Scott Reed
June 1, 2018



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Smit	hII	eld Foods, Inc.			June 1, 2010
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1	٨	I'm a Canadian citizen.	1		of the HR policies into one policy. The code of
		Oh, okay.	2		conduct and the training and expectations to comply
		Became a US citizen in 2014.	3		with that code of conduct continue to become elevated.
200-C		Congratulations.	4	O	So when did the code of conduct become enacted?
		Thank you.	5		This edition I believe is 2015.
100		Where did you get your undergraduate in sociology?	6	0	
1		The University of Saskatchewan as well.	7	A	
82		And an overview of your work history?	8	Q	1 6 1 40
		Worked a few years at a potash mine as a miner/laborer.	9	A	
		I worked at an industrial chemical plant as a	10	C	The state of the s
10		production operator. I was involved as a union rep and			Well, for example, if you look at the language in the
11		union leader for a number of years. I was promoted	12	-	labor agreement, the language in the employee handbook,
12		into a HR role in a pulp and paper mill. Had a number	13		and the language in the code of conduct, they're all
13		of plant and regional HR roles.	14		similar and the messages are very similar. But that
14		I was moved into operations in a plant manager	15		would be an example.
15		role, managed a plywood plant. I was moved down in	16	C	Has the Speak Up program been in effect for since
16		Saskatchewan. I was moved down to south Georgia and	17	7	before 2015?
17		managed two engineered wood products plants. Moved to	18	A	A It was as far as I'm aware, it was introduced in
18		Louisiana, managed a oriented strand board plant. And	19	-	2015, and it continues to be reinforced and expanded,
19		then was recruited to come up to Smithfield	20		not only for example, this year there was a very
20		John Morrell in Sioux Falls.	21		strong push around the Speak Up and food safety, any
21		When did you come to John Morrell?	22		kind of food-safety-type issues. So it continues to
22	100	2010.	23		gain traction.
D-01-01-01		And so can you just describe for me what the did	24	(Can you give me your summary description of what the
24		Smithfield buy out or merge with John Morrell? How is	25		Speak Up program for Smithfield employees is supposed
25		Smithiled buy out of merge with John Wolfell. How is			
		Page 6			Page 8
		Page 6			
1		that described?	1.		to mean?
1 2	A	that described? Smithfield was a number of independent operating	2	1	to mean? A Certainly. If you see something that's not right,
2000		that described? Smithfield was a number of independent operating companies. John Morrell was one of those companies.	2	1	to mean? A Certainly. If you see something that's not right, whether it's behaviors, actions, safety, food safety,
2		that described? Smithfield was a number of independent operating companies. John Morrell was one of those companies. There was Armour, Eckrich, Curly's, Cudahy, Farmland.	2 3 4	1	to mean? A Certainly. If you see something that's not right, whether it's behaviors, actions, safety, food safety, any ethical dilemmas, is to speak up and notify the
2		that described? Smithfield was a number of independent operating companies. John Morrell was one of those companies. There was Armour, Eckrich, Curly's, Cudahy, Farmland. The business model was set up that these companies	2 3 4 5		to mean? A Certainly. If you see something that's not right, whether it's behaviors, actions, safety, food safety, any ethical dilemmas, is to speak up and notify the appropriate folks, whether it's internally or through
2 3 4		that described? Smithfield was a number of independent operating companies. John Morrell was one of those companies. There was Armour, Eckrich, Curly's, Cudahy, Farmland. The business model was set up that these companies operated as independent operating companies with their	2 3 4 5 6		to mean? A Certainly. If you see something that's not right, whether it's behaviors, actions, safety, food safety, any ethical dilemmas, is to speak up and notify the appropriate folks, whether it's internally or through the hotline, ethics hotline. The simplicity of it is
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2 3 4 5 6 7		that described? Smithfield was a number of independent operating companies. John Morrell was one of those companies. There was Armour, Eckrich, Curly's, Cudahy, Farmland. The business model was set up that these companies operated as independent operating companies with their own president/financials. There was a Smithfield as well. They merged under and continue to migrate under	2 3 4 5 6 7 8		to mean? A Certainly. If you see something that's not right, whether it's behaviors, actions, safety, food safety, any ethical dilemmas, is to speak up and notify the appropriate folks, whether it's internally or through the hotline, ethics hotline. The simplicity of it is speak up and do the right thing. Q I noticed from the acknowledgment of sexual harassment training that you have new employees sign I'm
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Q	smithfield was a number of independent operating companies. John Morrell was one of those companies. There was Armour, Eckrich, Curly's, Cudahy, Farmland. The business model was set up that these companies operated as independent operating companies with their own president/financials. There was a Smithfield as well. They merged under and continue to migrate under the One Smithfield structure. The transition is ongoing. So in terms of, like, from a management perspective, is it a deal where it's the same company, it's just under one big umbrella instead of It's a very different company. It went from a decentralized structure with independent operating companies to a very centralized structure. You know, for example, on the HR side, I believe there was approximately 16 different payroll systems and migrating that into one we continue to migrate that into one payroll system. How about in terms of HR policies on employee responsibilities and behavior in regard to	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 20 21 22 23 24	2 3 3 1 5 5 7 7 3 9 9 1 1 2 3 4	to mean? A Certainly. If you see something that's not right, whether it's behaviors, actions, safety, food safety, any ethical dilemmas, is to speak up and notify the appropriate folks, whether it's internally or through the hotline, ethics hotline. The simplicity of it is speak up and do the right thing. Q I noticed from the acknowledgment of sexual harassment training that you have new employees sign I'm looking at Exhibit I, which was signed by Yvette back in 2011 I don't think it's here. A Yeah. Q I just wanted to ask you A I'm familiar with it. Q The policy that acknowledgment that employees are they're required to sign this to be eligible to work at John Morrell, right? A As part of the orientation, yes, there's a packet provided to all new employees that contains the code of conduct and other material. Q So even back in 2011 employees were instructed to, quote, if I feel I am being harassed, I have the right and responsibility to communicate this directly to my

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	120	27 A-2007 A-1			1.5%
1	Q	And so there were three options that employees were	1		hierarchy of reporting within the HR department.
2		told that they could report or speak up to?	1	Α	Certainly. My direct reports include Monica, Carrie,
3	A	Correct. At that time as well, there was a and	3		Ellen. On the workers' comp side, health services,
4	1021	there still is today a hotline.	4		there's Jim Fleming. Jim has a staff of three nurses,
5	Q	And Rosalynn Johnson was the employee relations	5		an industrial athletic trainer, and a workers' comp
6		manager; she was located in the HR office?	6		administrator. The plant safety director, Ken Winter,
7		Correct.	7		reports to me. Ken has three safety managers reporting
8	Q	STAN ANALYSI SANGGARDO WAY ANALYSI SANGGARDON MANALYSI MANALYSI MANALYSI MANALYSI MANALYSI MANALYSI MANALYSI M	8		to him, as well as the plant environmental manager.
9	A	When Rosalynn left the company, we changed the role and	9		The security manager for the plant reports to me. He
10		responsibility, and Monica Derby was recruited to fill	10		has 10 security officers and some contract security
11	_	that expanded role.	11		supporting the security group. I report to the plant
12	Q	And then your office, as the human resources director,	12	_	manager/general manager, Mark Wiggs.
13		was also located in the human resources department?	13	Q	
CONTRACTOR		Correct.	14		command in your world as HR director?
15	Q	Can you walk me through just a general overview of your	15	Α	David does not report through HR. David Hillberg is
16		progression in terms of job positions at	16		the plant manager at another plant currently. He was
17		John Morrell/Smithfield Foods?	17		promoted and relocated, gosh, a year and a half ago.
18	A	Certainly. In 2010, I was recruited into the role that	18		His role was the operations manager on the packaged
19	0	I currently have.	19	0	meat side, smoked meats.
20	Q	Okay. And your title? It's HR director.	20		What would his primary job duties be with regard to the
21	-		21		hourly employees that worked there?
22	Q		23	Α	The supervisors for example, Gary and Russ
23	٨	HR manager? The HR manager there's two. Simplicity: Monica	24	0	reported to Dave. Is he responsible to enforce Smithfield policies and
25	A	Derby focuses on all things salaried as well as	25	Q	procedures in his role?
45		Delby locuses on all tillings salaried as well as	25		procedures in his fore:
1					
		Page 10		-	Page 12
1			1	A	Page 12 Yes.
1 2		Page 10 supports the administrative functions of HR. The staff report to her, HR coordinators.	1 2		
0.00		supports the administrative functions of HR. The staff	10000		Yes.
2		supports the administrative functions of HR. The staff report to her, HR coordinators. Carrie does not have any direct reports and her	2		Yes. Is he responsible to supervise and evaluate his
2		supports the administrative functions of HR. The staff report to her, HR coordinators.	2 3 4	Q	Yes. Is he responsible to supervise and evaluate his managers about how they are performing in terms of
2 3 4	Q	supports the administrative functions of HR. The staff report to her, HR coordinators. Carrie does not have any direct reports and her focus is all things hourly. And we do have staff that support the recruiting of hourly as well.	2 3 4	Q	Yes. Is he responsible to supervise and evaluate his managers about how they are performing in terms of enforcing Smithfield policies?
2 3 4 5		supports the administrative functions of HR. The staff report to her, HR coordinators. Carrie does not have any direct reports and her focus is all things hourly. And we do have staff that support the recruiting of hourly as well.	2 3 4 5	Q	Yes. Is he responsible to supervise and evaluate his managers about how they are performing in terms of enforcing Smithfield policies? Yes.
2 3 4 5 6		supports the administrative functions of HR. The staff report to her, HR coordinators. Carrie does not have any direct reports and her focus is all things hourly. And we do have staff that support the recruiting of hourly as well. Who is Ellen Buskoltz.	2 3 4 5 6	Q	Yes. Is he responsible to supervise and evaluate his managers about how they are performing in terms of enforcing Smithfield policies? Yes. Did your HR managers who testified yesterday accurately
2 3 4 5 6 7	A Q	supports the administrative functions of HR. The staff report to her, HR coordinators. Carrie does not have any direct reports and her focus is all things hourly. And we do have staff that support the recruiting of hourly as well. Who is Ellen Buskoltz.	2 3 4 5 6 7	Q	Yes. Is he responsible to supervise and evaluate his managers about how they are performing in terms of enforcing Smithfield policies? Yes. Did your HR managers who testified yesterday accurately describe that Carrie and Monica primarily deal with HR
2 3 4 5 6 7 8	A Q	supports the administrative functions of HR. The staff report to her, HR coordinators. Carrie does not have any direct reports and her focus is all things hourly. And we do have staff that support the recruiting of hourly as well. Who is Ellen Buskoltz. Anybody else?	2 3 4 5 6 7 8	Q	Yes. Is he responsible to supervise and evaluate his managers about how they are performing in terms of enforcing Smithfield policies? Yes. Did your HR managers who testified yesterday accurately describe that Carrie and Monica primarily deal with HR issues, front line for hourly employees and you're the
2 3 4 5 6 7 8 9	A Q	supports the administrative functions of HR. The staff report to her, HR coordinators. Carrie does not have any direct reports and her focus is all things hourly. And we do have staff that support the recruiting of hourly as well. Who is Ellen Buskoltz. Anybody else? Well, we have a lady that supports the benefits administration.	2 3 4 5 6 7 8 9	Q A Q	Yes. Is he responsible to supervise and evaluate his managers about how they are performing in terms of enforcing Smithfield policies? Yes. Did your HR managers who testified yesterday accurately describe that Carrie and Monica primarily deal with HR issues, front line for hourly employees and you're the person who deals with HR issues involving policy
2 3 4 5 6 7 8 9	A Q A	supports the administrative functions of HR. The staff report to her, HR coordinators. Carrie does not have any direct reports and her focus is all things hourly. And we do have staff that support the recruiting of hourly as well. Who is Ellen Buskoltz. Anybody else? Well, we have a lady that supports the benefits administration.	2 3 4 5 6 7 8 9	Q A Q	Yes. Is he responsible to supervise and evaluate his managers about how they are performing in terms of enforcing Smithfield policies? Yes. Did your HR managers who testified yesterday accurately describe that Carrie and Monica primarily deal with HR issues, front line for hourly employees and you're the person who deals with HR issues involving policy enforcement or discipline for your managerial staff?
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2 3 4 5 6 7 8 9 10 11 12 13	A Q A Q A	supports the administrative functions of HR. The staff report to her, HR coordinators. Carrie does not have any direct reports and her focus is all things hourly. And we do have staff that support the recruiting of hourly as well. Who is Ellen Buskoltz. Anybody else? Well, we have a lady that supports the benefits administration. Who is that? Sheila Rozeboom. We have three HR coordinators.	2 3 4 5 6 7 8 9 10 11 12 13	Q A Q	Yes. Is he responsible to supervise and evaluate his managers about how they are performing in terms of enforcing Smithfield policies? Yes. Did your HR managers who testified yesterday accurately describe that Carrie and Monica primarily deal with HR issues, front line for hourly employees and you're the person who deals with HR issues involving policy enforcement or discipline for your managerial staff? MS. CALEM: Object to the form. THE WITNESS: There's three lines of three tiers of service in our department. The first level
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A Q A Q A Q A Q	supports the administrative functions of HR. The staff report to her, HR coordinators. Carrie does not have any direct reports and her focus is all things hourly. And we do have staff that support the recruiting of hourly as well. Who is Ellen Buskoltz. Anybody else? Well, we have a lady that supports the benefits administration. Who is that? Sheila Rozeboom. We have three HR coordinators. And what are their jobs? Two of them support the customer service window. Third is a backup. They do a lot of the HR transactions, from setting up employee files, administrating employee files, I-9s, transfers, promotions, pay. What does the other one do? She supports the training records and the safety department. Who are these three people?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q A Q	Is he responsible to supervise and evaluate his managers about how they are performing in terms of enforcing Smithfield policies? Yes. Did your HR managers who testified yesterday accurately describe that Carrie and Monica primarily deal with HR issues, front line for hourly employees and you're the person who deals with HR issues involving policy enforcement or discipline for your managerial staff? MS. CALEM: Object to the form. THE WITNESS: There's three lines of three tiers of service in our department. The first level tier is provided by the admin coordinators. They do the intake at the customer service window, and, based on the intake, they're able to address and respond to the needs of a large percentage of the employees that come to that window. If there's something that they cannot handle, they'll direct it to the appropriate person, whether it's benefits, Carrie, which is primarily hourly, and Monica, which is primarily salaried. Does that answer your question? YMS. POCHOP:
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A Q A Q A Q A Q	supports the administrative functions of HR. The staff report to her, HR coordinators. Carrie does not have any direct reports and her focus is all things hourly. And we do have staff that support the recruiting of hourly as well. Who is Ellen Buskoltz. Anybody else? Well, we have a lady that supports the benefits administration. Who is that? Sheila Rozeboom. We have three HR coordinators. And what are their jobs? Two of them support the customer service window. Third is a backup. They do a lot of the HR transactions, from setting up employee files, administrating employee files, I-9s, transfers, promotions, pay. What does the other one do? She supports the training records and the safety department. Who are these three people? Kim Bennett, Ashley Gutierrez, Stacie Stange. And the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q A Q	Yes. Is he responsible to supervise and evaluate his managers about how they are performing in terms of enforcing Smithfield policies? Yes. Did your HR managers who testified yesterday accurately describe that Carrie and Monica primarily deal with HR issues, front line for hourly employees and you're the person who deals with HR issues involving policy enforcement or discipline for your managerial staff? MS. CALEM: Object to the form. THE WITNESS: There's three lines of three tiers of service in our department. The first level tier is provided by the admin coordinators. They do the intake at the customer service window, and, based on the intake, they're able to address and respond to the needs of a large percentage of the employees that come to that window. If there's something that they cannot handle, they'll direct it to the appropriate person, whether it's benefits, Carrie, which is primarily hourly, and Monica, which is primarily salaried. Does that answer your question?

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		Page 13		Page 15
1		manager's behavior	1	THE WITNESS: Smithfield is committed to that
2	Α	Uh-huh.	2	goal, yes. Committed, yes.
3	Q	who is the HR person who would be responsible to	3	BY MS. POCHOP:
4		address that issue?	4	Q And in terms of their commitment to a workplace that is
5	Α	That would come either through myself or through Carrie	5	free of discrimination, harassment, and retaliation,
6		or Monica, but, ultimately, any complaints about	6	what is your role?
7		managers need to come across my desk.	7	
8	Q	And do you have to report to anybody about how to	8	Smithfield, promote compliance as well as provide
9	•	address manager complaints?	9	guidance to the facility and provide education to
	Α	Yes. That procedure and the expectations has evolved	10	supervisors and managers on the code of conduct and
11		over time as well. When we were John Morrell, and up	11	policy.
12		until recently, any manager performance issues were	12	Q What are your job duties in regard to promoting the
13		managed in-house, in the plant.	13	code of conduct?
14		Recently, we also, depending on the severity of		A We make sure, as part of our new employee orientation
15		the concern and the actions, do receive support from	15	for hourly and salaried, that it's reviewed. Employees
16		our corporate HR group.	16	are provided with a copy. On all salaried staff, I do
17		The reporting structure on the HR side has	17	a review of the code of conduct with them during their
18		changed. Up until this last year, I reported solely to	18	new employee orientation. There is annual training
19		the plant manager, and now I have a dual reporting	19	that is provided in the plant, as part of our monthly
20		where I report to the corporate HR group as well as the	20	safety training, on our expectations around
21		HR or, sorry, the plant manager.	21	harassment/discrimination.
	0	What was the reason for that change?	22	In addition, Smithfield requires salaried staff to
22	Q	It was part of the it was a One Smithfield part	23	review and sign off annually on the code of conduct,
23	A	of the One Smithfield. The decision was made that the	24	that they've read it and understand it.
24		HR functions would report through a centralized HR VP	25	I have also been required to provide training.
25		HK functions would report through a centralized HK VF	23	Thave also been required to provide training.
		Page 14		Page 16
1		versus through the through plants.	1	Smithfield has rolled out in addition to the annual
2		So I'm one of the ones that has a dual reporting.	2	training, they've rolled out in the last couple years
3		I report to the plant on the safety, environmental,	3	two additional training sessions for salaried staff
4		security, and on the workers' comp, I report up through	4	reinforcing respectful communications, a
5		the workers' comp, and on the HR, through the HR side.	5	harassment-free workplace. I'm just in the process of
6	Q	Have any of the managers that we have discussed and who	6	completing I've completed seven sessions. I've got
7	~	have been involved with Sala and Yvette's reports and	7	one more that's currently in place where we continue to
8		complaints to HR been have you had to consult with	8	elevate the standard.
9		your corporate HR?	9	I've also provided additional training above and
	Α	Yes	10	beyond what's required to salaried staff on respectful
		Which ones?	11	workplace, respectful communications and our
100-1100		as well as legal.	12	expectations.
13	11	At the point that the NLRB charge was filed, then	13	Q How does enforcing your harassment, discrimination, and
14		at that point any correspondence, dialogue, events were	14	retaliation policies let me ask it this way:
15		reported up through our legal and corporate HR.	15	Managers are required, just like your salaried staff,
16	0	Prior to the filing of the NLRB complaint, was	16	to comply with your discrimination policy?
17	V	corporate HR involved in any of the the evaluation	1	A Correct.
18		or investigation into management response to these	18	MS. CALEM: Object to the form. I don't get the
19			19	distinction between managers and salaried staff.
	A	complaints?	20	BY MS. POCHOP:
20		I don't recall if they were notified or not.		Q Well, is there a distinction? I guess that's a good
21	Q	Do you agree with me that Smithfield Foods promises	21	
22		workers like Sala and Yvette that they will have a	22	question.
23		workplace that is free of harassment, discrimination,	23	A I've worked for different organizations that have
24		and retaliation?	24	different definitions. Even within Smithfield there's
25		MS. CALEM: Object to the form.	25	some different definitions on what's a manager and
1			1	

Sm	innela Foods, inc.		Julie 1, 2016
	Page 17		Page 19
1	salaried staff.	1	that that is the expectation.
2	There's two definitions of salaried staff. We	2	What message was made what was the specific message?
3	commonly use salaried exempt and salaried nonexempt.	3	A That they're required to report to HR any concerns or
4	Supervisors are all salaried exempt, and I think	4	
5	supervisors that supervise supervisors/managers are	5	Q When was that made clear?
6	also salaried exempt.	6	
7	Q Are all of them expected to comply with Smithfield's	7	
8	sexual harassment, retaliation, and discrimination	8	and the second s
9	policies?	9	
10	A Yes.	10	The state of the s
11	Q Are they required to comply with them?	11	The state of the s
12		12	Q Has that always been the policy at Smithfield Foods and
13	Q Does Smithfield promise its hourly employees that its	13	200 76 2000 2000
14	managers are going to follow all policies and	14	
15	procedures related to sexual harassment,	15	
16	discrimination, and retaliation complaints?	16	
17	MS. CALEM: Object to the form.	17	THE STATE STATES AND S
18	THE WITNESS: Smithfield is committed to comply,	18	11130 32 - 4573
19	yes.	19	
20	BY MS. POCHOP:	20	
21	Q Your handbook says things like from your CEO, that I	21	
22	promise you're not going to be retaliated against if	22	
23	you speak up, right?	23	
24	MS. CALEM: Object to the form. That document	24	
25	speaks for itself.	25	E 1/2007 100/ 100/ 100/ 100/
2.5	speaks for facili.		on salat medical records, 1.5.11
	Page 18		Page 20
1	THE WITNESS: Yeah, that's what the document says.	1	MS. CALEM: I'm going to object to the form of
2	Yes.	2	that. What he does during in his private time is not
3	BY MS. POCHOP:	3	relevant at all to this questioning.
4	Q Is it your responsibility to make sure that the	4	MS. POCHOP: Well, the judge can decide that.
5	promises made by Smithfield's senior management, its	5	BY MS. POCHOP:
6	CEO and president, are complied with?	6	Q So you can answer it, Mr. Reed.
7	A Yes.	7	A Making notes on Sala's medical records? I'm making
8	Q Does every manager have the obligation to see that	8	highlighting on notes of the documents that were
9	Smithfield's code of conduct and workplace rules are	9	
10	followed by managers?	10	S Jan Market, in the National Address and 1990. An institute of the second of the seco
11	MS. CALEM: Object to the form.	11	
12	THE WITNESS: Yes.	12	그 그 그 그 그 그 그 그 그 그 그 그 그 그 그 그 그 그 그
13	BY MS. POCHOP:	13	ie.
14	Q Is it permissible under Smithfield policy for managers	14	
15	to overlook violations of the code of conduct?	1.5	
16	MS. CALEM: Object to the form.	16	5 555 554 55
17	THE WITNESS: Overlook? No. They're required to	17	
18	report.	18	
19	BY MS. POCHOP:	19	
20	Q And who are they required to report to?		Q Yesterday, for example, basically all afternoon you
1	A As of today they're required to report any violations	21	
22	of the law or the code of conduct around harassment,	22	
23	discrimination, and retaliation to HR.	23	
24		24	
	A The message has been made very clear as of recently	25	
			, , , , , , , , , , , , , , , , , , , ,
L		_	

7		field Foods, Inc.	30	June 1, 20
		Page 33		Page 3
1	В	Y MS. POCHOP:	1	Q Were you also previously involved in Sala's complaint
2	Q	Is that the responsibility of you and the other	2	
3		employees in the HR department?	3	from an HR perspective?
4	A	That's one of our duties, yes.	4	A Yes.
5	Q	And does Smithfield tell employees and, in fact,	5	Q So you had awareness about the complaint with Juan and
6	1	does let me ask it this way: Has Smithfield's CEO	6	how that impacted Sala's work environment?
7		and president promised employees that they will not be	7	MS. CALEM: Object to the form of the question.
8		retaliated against if they make a report of	8	THE WITNESS: Yes, I was involved in the incident
9		discrimination?	9	investigation.
10	A	Yes.	10	BY MS, POCHOP:
11	Q	Harassment, the same question	11	Q And at what point in the complaint that Sala, Yvette,
12	A	Yes.	1.2	and Lorena Morales tried to report about Scott Genzler
13	Q	are they promised that they're going to be	13	did you become involved?
14		protected?	14	A At what point?
15	A	Yes.	1.5	Q Yes.
16	Q	And is that the duty of first of all, is that within	16	A I received a voice mail on Tuesday from an individual.
17	-	your job duty to make sure that that promise is	17	I didn't know who it was from. It was a garbled voice
18		enforced?	18	mail.
19	A	Yes.	19	On Wednesday I had James Seibert, a supervisor in
20	Q	Is it Carrie Moate's job duty to make sure that the	20	packaged meats, come to my office and listen to the
21		promise that an employee making a report or complaint	21	voice mail. I suspected the voice mail may have been
22		under the policy will be protected from retaliation?	22	from Tom Anderson. James confirmed that he believed it
23	A	It's the responsibility of every Smithfield manager.	23	was Tom Anderson.
24	Q	It's a specific responsibility of Smithfield HR	24	Again, the content of it I could not understand,
25	7	managers, right?	25	or the name. I asked James to send Tom over, and I met
L-1-1	12 2	e y martine de la companya del companya de la companya del companya de la company		
		Page 34	1	Deve
				Page 3
1		MS. CALEM: Objection to the form.	1	
1 2		MS. CALEM: Objection to the form. THE WITNESS: It is, and it's also communicated as	1 2	with Tom on Thursday. This was the Thursday following
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2	В		2	with Tom on Thursday. This was the Thursday following the incident on Monday. Tom shared with me what happened in detail, and
2 3		THE WITNESS: It is, and it's also communicated as a responsibility of every manager, yes. YMS. POCHOP:	2 3	with Tom on Thursday. This was the Thursday following the incident on Monday. Tom shared with me what happened in detail, and that's when I first became aware of the incident.
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2 3 4 5 6	Q	THE WITNESS: It is, and it's also communicated as a responsibility of every manager, yes. Y MS. POCHOP: Is there a policy that requires an employee that they	2 3 4 5 6	with Tom on Thursday. This was the Thursday following the incident on Monday. Tom shared with me what happened in detail, and that's when I first became aware of the incident. Q So Carrie Moate had not contacted you to let you know that Russ had been in her office and that there was a discipline issue with Scott Genzler?
2 3 4 5 6 7	Q A	THE WITNESS: It is, and it's also communicated as a responsibility of every manager, yes. Y MS. POCHOP: Is there a policy that requires an employee that they have to get managerial approval to be able to go to the HR department?	2 3 4 5 6 7	with Tom on Thursday. This was the Thursday following the incident on Monday. Tom shared with me what happened in detail, and that's when I first became aware of the incident. Q So Carrie Moate had not contacted you to let you know that Russ had been in her office and that there was a discipline issue with Scott Genzler? A No.
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2 3 4 5 6 7 8 9	Q A	THE WITNESS: It is, and it's also communicated as a responsibility of every manager, yes. Y MS. POCHOP: Is there a policy that requires an employee that they have to get managerial approval to be able to go to the HR department? No. And, in fact, it's true, isn't it, that the handbook	2 3 4 5 6 7 8 9	with Tom on Thursday. This was the Thursday following the incident on Monday. Tom shared with me what happened in detail, and that's when I first became aware of the incident. Q So Carrie Moate had not contacted you to let you know that Russ had been in her office and that there was a discipline issue with Scott Genzler? A No. Q And you only found out about that because of, it sounds like, kind of a garbled voice mail?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Q A Q A Q	THE WITNESS: It is, and it's also communicated as a responsibility of every manager, yes. Y MS. POCHOP: Is there a policy that requires an employee that they have to get managerial approval to be able to go to the HR department? No. And, in fact, it's true, isn't it, that the handbook and the code of conduct book all are designed to tell employees that if they want to go to HR to report a complaint, they actually have a responsibility to do that? That is correct. Is there an unwritten rule at Smithfield in Sioux Falls that employees have to get permission from a manager to be able to go to the HR department to speak up? No. I'd like to now talk about your involvement in the Scott Genzler incident. You were the HR director who would have been directly overseeing how the Scott Genzler complaint was handled from the top of the HR department; is that	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	with Tom on Thursday. This was the Thursday following the incident on Monday. Tom shared with me what happened in detail, and that's when I first became aware of the incident. So Carrie Moate had not contacted you to let you know that Russ had been in her office and that there was a discipline issue with Scott Genzler? A No. Q And you only found out about that because of, it sounds like, kind of a garbled voice mail? A Correct. Q Is that consistent with your chain of command and policy and procedure in your HR department? A No. G Because if I'm understanding this and just like, in some ways I just want to know if I'm thinking about this properly. Okay? My understanding of your policy and procedure would be that when Carrie found out that Russ had been materially inaccurate about what had happened with Scott, Yvette, Sala, and Lorena, would she have had an obligation to report that to you? MS. CALEM: Object to the form. THE WITNESS: I expect that serious violations of

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1	staff are reported to me, yes.	1		investigations, or perhaps even led, where an
2	BY MS. POCHOP:	2		example would be where a female's complained that a
3	Q And this might be easier if you tell me what how	3		male has been harassing them or hitting on them. I
4	this report should have been handled under your	4		believe that to be the case.
5	policies and procedures.	5		Have there been any other complaints about race
6	Let's start from the time that Russ is made aware	6		discrimination that your HR department has addressed
7	that Scott has made a serious violation he's	7		investigated and addressed besides Sala and Yvette's
8	seriously violated the harassment and discrimination	8		complaint?
9	policy.	9		Yes, I have.
10	A Our code of conduct requires that incidents like this	10		How many race discrimination complaints have you been
11	be investigated and that action in a prompt manner,	11		involved in?
12	and that efforts are taken to immediately stop that	0.0000000000000000000000000000000000000		A few. One I can think of was an individual applied
13	behavior and address it. I believe the parties did	13	А	for a job in our he was working on the production
14	that. I don't believe they did it in a way that I	14		floor, applied for a job in accounting, and claimed
15		(00000000000000000000000000000000000000		
Anna anna	expected it to be done.	15		that he was not awarded the job because of his race.
16	Q Well, Sala, Yvette, and Lorena were all following	16		That's an example.
17	company policy when they reported this to Russ,	17	Ų	Have you had any other incidents where an employee or a
18	correct?	18		manager has made overtly racist remarks?
19	A They did the right thing by reporting it, and they were	19		Yes.
20	following procedures, yes. We had some discussions	20	Q	
21	that would have been the procedure is also to notify	21	8.	managers have been involved in those types of cases.
22	their supervisor that they were delayed or not going to	1	A	Manager? I'll give you an example of recently there
23	be back on time.	23		was an example of two production or, sorry, two
24	Q Well, how would they know that in advance?	24		sanitation employees got into an argument over tools
25	MS. CALEM: Object to the form.	25		and made inappropriate comments to each other around
	Dage 20			Dage 40
	Page 38			Page 40
1	THE WITNESS: I think it's a reasonable	1		race. That actually escalated to the point of
2	expectation to say that they were reporting this issue	2		workplace violence.
3	to HR and that they didn't know when they would be	3	-	
4	back.	4	A	I'm sure there's a few more. Oh, another example
5	BY MS. POCHOP:	5		yes. A salaried nonexempt security officer was
6	Q In some ways, one of the things that they wanted to	6		harassing a female employee while on duty, trying to
7	report to HR was that they wanted to report about what	7		get her phone number.
8	Russ had done when he received the complaint, right?	8	Q	You were assuming that employees would know, if they
9	MS. CALEM: Objection to the form. Calls for	9		were going to go to your HR department to report
10	speculation.	10		discrimination and harassment, that they would be gone
11	THE WITNESS: I don't know.	11		more than their break time?
12	BY MS. POCHOP:	12		MS. CALEM: Object to the form.
13	Q Were your HR directors correct yesterday when they said	13		THE WITNESS: Yes, I would assume that if a
14	that the only sexual harassment complaint that they've	14		complaint was to be filed or brought forward, sorry,
15	received and processed is the one between Sala and	15		that it would take some time to resolve and
16	Juan?	16		investigate.
17	A I think you're referring to the HR managers	17	В	Y MS. POCHOP:
18	Q Yeah.	18		Do employees need to get permission to go anywhere in
19	A not the directors.	19		the plant when they're on break?
20	Q Sorry.	20	A	Employees are only authorized to be in the areas the
21	A I don't know what Monica's dealt with outside of	21		common areas, break rooms, welfare areas, and the areas
22	Smithfield. As far as complaints that have gone to the	22		that they have work responsibilities.
23	EEOC or external, I think that's correct. I'm not sure	23		For example, a person from the stockyards would
24	they fully understood the question. There has been	24		not be authorized to go into a ready-to-eat area
25	complaints that they have participated in the	25		because of concerns of cross-contamination.

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		Page 41		Page 43
1	Q	Sure. Is the HR department one of the common areas	1	your race discrimination policy in the workplace?
2		that any employee is permitted to go to during their	2	MS. CALEM: Object to the form.
3		break?	3	THE WITNESS: Yeah, I'm not sure if that's what
4	A	Yes.	4	she said, but there's some concerns that came up, yes.
5	Q	Is requiring employees to say, I'm going to the HR	5	BY MS. POCHOP:
6		department during my break, consistent with the	6	Q And she's a lead person who has had all this training
7		company's open door policy?	7	about speaking up, hasn't she?
8		MS. CALEM: Object to the form.	8	MS. CALEM: Object to the form.
9		THE WITNESS: Yes. They can come any time. If	9	THE WITNESS: She received the same training that
10		they're leaving their work area, they need to make sure	10	all of our employees received, yes.
11		they secure permission to leave their work area, or	11	BY MS. POCHOP:
12		notify.	12	Q You also heard Lorena Morales testify that she has
13	B	Y MS. POCHOP:	1.3	heard racist comments in the workplace. That was
14	Q	Have you learned, during the course of the depositions	14	that's an accurate summary of some of her testimony,
15		in this case, that you have employees who do not report	15	isn't it?
16		obvious violations of this harassment and	16	MS. CALEM: Object to the form.
17		discrimination policy out of fear?	17	THE WITNESS: Yes.
18		MS. CALEM: Object to the form.	18	BY MS. POCHOP:
19		THE WITNESS: I've heard that statement, yes.	19	Q And she also explained that she didn't report even
20	B	Y MS. POCHOP:	20	though she's had all of the Speak Up training?
21	Q	Are you going to make any changes because of the	21	MS. CALEM: Object to the form.
22		testimony from the witnesses that you've heard in this	22	THE WITNESS: Lorena was also involved in
23		case that they don't report sexual harassment because	23	reporting the Scott Genzler incident.
24	-	they're afraid of getting into trouble?	24	BY MS. POCHOP:
25		MS. CALEM: Object to the form.	25	Q And what happened to Lorena when she did actually go
		The second secon		
		Page 42		Page 44
1		THE WITNESS: Any investigation, whether it's	1	report?
2		health safety property demand this insident I	2	MS CALEM: Object to the form

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	Page 4	2	Pa	ge 44
1	THE WITNESS: Any investigation, whether it's	1	report?	
2	health, safety, property damage, this incident, I	2	MS. CALEM: Object to the form.	
3	always feel it's important to capture learnings from	3	BY MS. POCHOP:	
4	them, yes.	4	Q She received a discipline in response to her effort to	
5	BY MS. POCHOP:	5	go to HR?	
6	Q So what are you going to do with the information that	6	MS. CALEM: Object to the form.	
7	you have learned? Because we've heard a witness	7	BY MS. POCHOP:	
8	testify that she didn't report sexual harassment	8	Q The discipline was the first thing that happened to	
9	because she was afraid of getting into trouble, right?	9	Lorena when she did have the courage to go to HR?	
10	MS. CALEM: Object to the form. Lack of	10	MS. CALEM: Object to the form.	
11	foundation.	11	BY MS. POCHOP:	
12	BY MS. POCHOP:	12	Q That's true, isn't it?	
13	Q You were present for the Lisa Christion deposition,	13	MS. CALEM: Objection.	
14	weren't you?	14	THE WITNESS: No. She came to HR. She was	
15	MS. CALEM: Object to the form.	15	instructed to go back to work, and she was disciplined,	
16	THE WITNESS: Yes.	16	as per her testimony, for not notifying that she'd be	
17	BY MS. POCHOP:	17	away from the work area.	
18	Q And she testified that she had not reported sexual	18	BY MS. POCHOP:	
19	harassment because she was afraid of getting into	1.9	Q Have you learned anything in this case that you can do	
20	trouble?	20	to change the work environment so that employees are	
21	MS. CALEM: Object to the form.	21	not afraid to speak up according to your policies?	
22	THE WITNESS: Yes.	22	MS. CALEM: Object to the form.	
23	BY MS. POCHOP:	23	THE WITNESS: Again, any incident investigation,	
24	Q She also described that she overhears conversations	24	you look to capture learnings and grow from it, and	
25	that violate both your sexual harassment policy and	25	yes.	

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		Page 45		Page 47
1	BY MS. POCHOP:		1	directly with managers?
2	Q So what have you learned, personally, from hearing		2	A Correct.
3	employees four employees, plus a union		3	Q Anything else?
4	representative, saying that people violate your sexual		4	A Again, as far as learnings, we need to get out and talk
5	harassment policy and your prohibition against		5	to the employees, make sure that they clearly
6	discriminatory comments and profane language fairly		6	understand it, from me, what the expectations are and
7	regularly in your work environment and no one reports		7	how we're there to support compliance and enforcement
8	these?		8	of our code of conduct.
9	MS. CALEM: Object to the form.		9	Q So what do you do so that employees hear that directly
10	THE WITNESS: It's not true that nobody reports	5	10	from you?
11	these. We get reports and follow up all the time.		11	MS. CALEM: Object to the form.
12	BY MS. POCHOP:	10	12	THE WITNESS: When I can give you an example.
13	Q That isn't really what your HR managers testified to,		13	For example, in October of 2016, I believe, I attended
14	though, yesterday, is it?		14	a department 19 staff meeting up in the 7th floor
15	MS. CALEM: Object to the form.	100	15	training room, where Yvette and Sala were present and
16	THE WITNESS: I'm not sure they fully understood		16	sitting in the front row, and made it very clear what
17	the question, but	10	17	our expectations are and what our policies are around
18	BY MS. POCHOP:		18	respect in the workplace, a harassment-free workplace.
19	Q That isn't what they testified about, that they get		19	Done that with a number of departments.
20	these all the time and they're used to dealing with	100	20	BY MS. POCHOP:
21	race discrimination complaints?	1 10 10 1		Q Is one of the impacts on the work environment, when
22	MS. CALEM: Object to the form.	1.5	22	employees and managers aren't following your
23	THE WITNESS: Again, I don't believe they		23	Control of the Contro
24	understood the question clearly.		24	discrimination policies, that it creates distrust among
25	understood the question clearly,		25	your workers? MS. CALEM: Object to the form. Calls for
25				TOTAL CONTROL OF THE PARTY OF T
-		Page 46	***	Page 48
		1 age 40		r age 40
1	BY MS. POCHOP:		1	speculation.
2	Q But that was the answer that they gave, both of them?		2	THE WITNESS: Certainly what was acceptable in the
3	A Based on what they understood, yes.		3	workplace 10 years ago is not acceptable today. What
4	Q So what I'd like to know, Mr. Reed, is what you are		4	was acceptable 20 years ago may not have been
5	going to do with the information that you have received		5	acceptable 10 years ago. And it's important we
6	during these depositions that first of all, what are		6	continue to elevate the standards in our facility, and
7	you going to do about the fact that people in your		7	that's very important to me, not only from a
8	plant are violating your discrimination policy and are		8	harassment-free workplace but also from a safe
9	not being reported by managers?		9	workplace. A tremendous amount of effort has been put
10	MS. CALEM: Object to the form.	:	LO	into improving safety in the plant as well, protecting
11	THE WITNESS: The learnings for me, to date, are	1	L1	our workers and our employees from injury.
12	to continue to make sure that the expectations are	:	L2	BY MS. POCHOP:
13	crystal clear. I think that we have to continue to	:	L3	Q Do you believe that failing to follow discrimination
14	reinforce that. I know over the last few years I've	:	L4	policies at Smithfield creates distrust among your
15	put a fair bit of time into meeting with managers,	:	.5	workers?
16	looking them in the eye and supervisors	:	L6	A Oh.
17	explaining the policy. I'm in the process of doing		L7	MS. CALEM: Object to the form.
18	that again now.	:	8.	THE WITNESS: Failure to follow any policy or
19	I'm committed to doing that on the plant floor		19	procedure can create distrust.
20	with all employees so they hear it from me, that these	2	0	BY MS. POCHOP:
21	are our expectations and that we will not tolerate any	1	21	Q Do you believe that failure to follow your
22	illegal activity. We expect compliance with our	2	22	discrimination policies at Smithfield has a negative
23	policy, and if they have concerns, to come forward.	1	23	impact on an employee's job performance?
24		1	4	MS. CALEM: Object to the form. Calls for
I	Q So one of the things that you're doing is meeting	١,		
25	Q 30 one of the things that you're doing is meeting	12	25	speculation, incomplete hypothetical.

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1	THE WITNESS: If that happens, yes.	1		being in a deposition and
2	BY MS. POCHOP:	2	Q	
3	Q Do you believe that failure to comply with Smithfield's	3		Understanding the process and the importance of the
1 100	discrimination policy is hurtful to the individual	4		work that they do every day.
4	employees that are affected by the noncompliance?	5	0	Are you going to make any procedural changes about how
5	MS. CALEM: Object to the form.	6	~	discrimination or retaliation complaints are addressed
6	THE WITNESS: It can be.	7		in your HR department?
7		8	Δ	Certainly will be continuing to enforce what my
8	BY MS. POCHOP:	9	11	expectations are.
9	Q Do you believe that failure to follow Smithfield		0	In what ways?
1.0	policies and procedures impacts your ability to retain			Reviewing them, making sure people understand them
11	employees?	12		Who?
12	MS. CALEM: Object to the form.	riothates		reinforce
13	THE WITNESS: Yes.	13		
14	BY MS. POCHOP:	14		My staff.
15	Q Do you believe that an impact of failure to comply with	15	- 85	Anybody in specific?
16	Smithfield harassment and discrimination policies has	16	A	I think this is important for all my staff to
17	the impact of escalating into further violence in the	17		understand. It's not one where you just say this
18	workplace?	18		person or that person. It's everybody.
19	MS. CALEM: Object to the form.	19		Are there any particular procedural changes that you
20	THE WITNESS: It has that potential.	20		intend to make as a result of your involvement in this
21	BY MS. POCHOP:	21		case?
22	Q Is a consequence of failure to comply with Smithfield's	22		MS. CALEM: Object to the form.
23	discrimination policies damage to the company	23		THE WITNESS: Yeah. I think upon the conclusion
24	reputation?	24		of this exercise, we will review and pull together,
25	MS. CALEM: Object to the form.	25		evaluate learnings and implement them just like we do
	Page 50	1138.377		Page 52
1	THE WITNESS: Can you repeat that, please.	1		with any investigation.
2	Lucius de avion	2	В	BY MS. POCHOP:
	Q Is a consequence of a failure to comply with	3		I'm wondering about any specific
3	Smithfield's discrimination policies damage to the	4	883	Specific?
4	company's reputation?	5		learnings that you've had.
5	MS. CALEM: Object to the form.	6		MS, CALEM: Object to the form.
6		7		THE WITNESS: We provide employees the code of
7	THE WITNESS: Yes.	8		conduct and review it upon hire, we review it annually,
8		9		but there's a few individuals that weren't familiar
9		10		with the code of conduct. So, making that more
10	MS. CALEM: Object to the form.	11		accessible to folks.
11		12		BY MS. POCHOP:
12				What individuals did you think weren't familiar with
13	125 E	13		the code of conduct?
	A Yes.	14		1 1 0 1 17 1 1 1
1.5		15		There was some question whether Sala and Yvette nad seen the code of conduct in their testimony.
16		16		
17		17		Anybody else in your company that, during the course of this deposition, you wondered about their understanding
18		18		The state of the s
19		19		of the code of conduct?
20		20		MS. CALEM: Object to the form of the question.
	THESE THE AND STORY SOURCE STORY STORY STORY STORY	2:	1.	THE WITNESS: Yes. Russ Hultman.
23			5.9	The second
22	BY MS. POCHOP:	22		BY MS. POCHOP:
	BY MS. POCHOP: Q I'm glad that you see that that way, and I'm wondering	2:	3 (Q In what ways do you think that Russ's testimony
22	BY MS. POCHOP: Q I'm glad that you see that that way, and I'm wondering what you think the silver lining in this case is.	2:	3 (4	Q In what ways do you think that Russ's testimony indicates that he needs a better understanding of your
22	BY MS. POCHOP: Q I'm glad that you see that that way, and I'm wondering what you think the silver lining in this case is.	2:	3 (4	Q In what ways do you think that Russ's testimony

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1	name. I'm not even sure if she knew Scott's name or	1		end of the standard, yes. To where I believe it should
2	not at that time.	2		be, no.
3	BY MS. POCHOP:	3	E	BY MS. POCHOP:
4	Q Did you hear any testimony from Carrie about what your	4	(What about according to the training and the actual
5	manager represented to her about the reason that the	5		language of the policy, did Russ's behavior meet
6	employees were in the HR department in the first place?	6		Smithfield policy?
7	A Yeah, there was mention of the word bitch.	7	P	To the minimum standards at that time, perhaps.
8	Q Did you hear her testimony that she did not think that	8	(How does meeting with an well, tell me how he met
9	that was an accurate representation of the information	9		the minimum standards.
10	that Russ had about what the reason for the report was?	10	A	A Again, there was actions taken to investigate, stop,
11		11		and stop the behavior and discipline Scott.
12	Q Would you agree with your HR manager that when Russ	12		Supervisors have the ability to issue disciplines up to
13		13		the level of verbal and written warnings. Suspensions
14	1	14		need to go through HR and above.
15				Is it your understanding that the chronology is that
16		16		Scott made racist and threatening, intimidating,
17		17		bullying remarks in the workplace to Sala and Yvette?
18		18		Absolutely, yes, they're inappropriate.
19		19		And they're obvious violations of company harassment
20		.20		policy, the way your supervisors and managers and
	BY MS. POCHOP:	21		employees are trained every year?
22		2.2		Correct.
23	The state of the s	23	(Is it your understanding of the facts that the next
24		24		thing that happened was that Sala, Yvette, and Lorena
25	be in the HR department filling out an incident form?	25		reported that they had been subject to a violation of
	Page 58	- A		Page 60
124.46.2	A VALUE OF THE COMMENT OF THE PROPERTY OF THE			~
1	•	1		the discrimination policy to Russ Hultman?
2	THE WITNESS: Yes.	2		Yes.
3	BY MS. POCHOP:	3	Ç	And, again, that's consistent with the training that
5	5 To 1 To	4		they receive about Speak Up Yes.
6		5		
7		6 7	Ç	manager the following day?
8		8	٨	Uh-huh.
9	they do it in a manner that met my expectations or	9		Is it your understanding of the facts that the next
10		10	4	thing that happened was that Russ had a meeting between
11		11		Sala, Yvette, Lorena, and Scott in his office or in
12	believe they should have.	12		department 19 on Saturday?
13			Λ	Yes.
14	disciplined about her failure to meet your			And that during that meeting he became aware that Scott
15	expectations?	15	~	had made racist remarks to Sala and Yvette by calling
	A I met with all three of those individuals and walked	16		them monkeys?
17	through the incident and provided coaching and	17	Α	Yes.
18	reinforced expectations with them as to what I would	18		That he had hollered at them and used profanity toward
19	like to have seen happen.	19		them?
20	Q Did Russ's reaction as a manager, when Sala, Yvette,	20	Α	Yes.
21	and Lorena reported that they had been subject to or	21		That he had frightened them and that they were upset
22	heard racist remarks in the workplace, meet Smithfield	22		Yes.
23	policy?	23	Q	by Scott's behavior. Yes?
24	MS. CALEM: Object to the form.	24	Α	Yes.
25	THE WITNESS: I think in their minds, to the low	25	Q	Is it your understanding that Russ was aware that Scott
1				

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		Page 61		Page 63
1	had also said they needed to go back to their own		1	that the issue had been resolved on Saturday?
2	country?		2	
3	A Yes.		3	Q It's documented in company records about Russ's
4	Q That's a violation another violation of the		4	reaction to this report?
5	discrimination policy, right?		5	A Uh-huh. I'm confused about that.
6	A Yes.		6	Q Because are you confused about why that statement is
7	Q Is it a violation of the company policy that he		7	in your records, or are you confused about why Russ
8	hollered at them because they were speaking to each		8	would not have a why he would think that simply
9	other in Swahili?		9	having a meeting about that behavior would resolve the
10	A It was inappropriate.	1	LO	issue?
11	Q Well, you, yourself, have told Yvette that she should	1	L1	MS, CALEM: Object to the form.
12	speak in English in the workplace, haven't you?	1	.2	THE WITNESS: Yeah, I really don't know what that
13	MS. CALEM: Object to the form.	1	13	means.
14	THE WITNESS: Well, if it's related to a work I	1	4	BY MS. POCHOP:
15	don't recall saying that.	1	.5	Q Was Russ's reaction to not take any further action and
16	BY MS. POCHOP:	1	. 6	say, I thought the matter was resolved, consistent with
17	Q There isn't any policy or procedure at Smithfield that	1	.7	Smithfield disciplinary policy?
18	requires employees communicating with each other in	1	.8	A No.
19	their common language to speak English, is there?	1	.9	Q Do you know why your notes, your company notes, like
20	MS. CALEM: Object to the form.	2	0	Exhibit 49, and the notes that I believe you kept from
21	THE WITNESS: No. There is specific jobs that	2	21	the Genzler report, indicate that Russ thought that
22	require a basic understanding of reading and writing in	111	22	having the meeting had resolved the complaint?
23	English to perform those jobs. But as far as			A As far as these notes, I did try to find where these
24	communications, no.		4	notes came from, and I believe
25		2	15	Q Exhibit 49?
		- A & C & C & C & C		
Y-A		Page 62		Page 64
1	BY MS. POCHOP:		1	A Yeah.
2	Q Right. And if two employees both speak Swahili and		2	Q Are these yours?
3	they want to communicate with each other in Swahili,			
4	they want to communicate with each other in Swanin,		3	100
5			3 4	
	there's nothing wrong with that, is there? A No, absolutely not.		4	A These notes were I believe they were submitted to
6	there's nothing wrong with that, is there? A No, absolutely not.		4 5	A These notes were I believe they were submitted to the NLRB. Q From whom?
200	there's nothing wrong with that, is there? A No, absolutely not.		4 5	A These notes were I believe they were submitted to the NLRB.
6	there's nothing wrong with that, is there? A No, absolutely not. Q And, in fact, telling them that they need to speak		4 5 6 7	A These notes were I believe they were submitted to the NLRB. Q From whom? A They look like a compilation of the notes that I
6 7	there's nothing wrong with that, is there? A No, absolutely not. Q And, in fact, telling them that they need to speak English when they communicate with each other is		4 5 6 7 8	A These notes were I believe they were submitted to the NLRB. Q From whom? A They look like a compilation of the notes that I provided and other people.
6 7 8	there's nothing wrong with that, is there? A No, absolutely not. Q And, in fact, telling them that they need to speak English when they communicate with each other is contrary to the company's diversity and affirmative	1	4 5 6 7 8 9	A These notes were I believe they were submitted to the NLRB. Q From whom? A They look like a compilation of the notes that I provided and other people. Q Are they accurate?
6 7 8 9	there's nothing wrong with that, is there? A No, absolutely not. Q And, in fact, telling them that they need to speak English when they communicate with each other is contrary to the company's diversity and affirmative action recruitment efforts, isn't it?		4 5 6 7 8 9	A These notes were I believe they were submitted to the NLRB. Q From whom? A They look like a compilation of the notes that I provided and other people. Q Are they accurate? A I'd have to go through each each one, each bullet.
6 7 8 9 10	there's nothing wrong with that, is there? A No, absolutely not. Q And, in fact, telling them that they need to speak English when they communicate with each other is contrary to the company's diversity and affirmative action recruitment efforts, isn't it? MS. CALEM: Object to the form.	1	4 5 7 8 9	A These notes were I believe they were submitted to the NLRB. Q From whom? A They look like a compilation of the notes that I provided and other people. Q Are they accurate? A I'd have to go through each each one, each bullet. Q If they were submitted to the NLRB, can I assume that
6 7 8 9 10 11	there's nothing wrong with that, is there? A No, absolutely not. Q And, in fact, telling them that they need to speak English when they communicate with each other is contrary to the company's diversity and affirmative action recruitment efforts, isn't it? MS. CALEM: Object to the form. THE WITNESS: From a recruitment perspective I	1	4 5 6 7 8 9 .0 .1	A These notes were I believe they were submitted to the NLRB. Q From whom? A They look like a compilation of the notes that I provided and other people. Q Are they accurate? A I'd have to go through each each one, each bullet. Q If they were submitted to the NLRB, can I assume that your company would be as accurate as possible in making a representation to that agency?
6 7 8 9 10 11	there's nothing wrong with that, is there? A No, absolutely not. Q And, in fact, telling them that they need to speak English when they communicate with each other is contrary to the company's diversity and affirmative action recruitment efforts, isn't it? MS. CALEM: Object to the form. THE WITNESS: From a recruitment perspective I don't see the correlation to recruitment, but, no,	1 1 1	4 5 6 7 8 9 .0 .1	A These notes were I believe they were submitted to the NLRB. Q From whom? A They look like a compilation of the notes that I provided and other people. Q Are they accurate? A I'd have to go through each each one, each bullet. Q If they were submitted to the NLRB, can I assume that your company would be as accurate as possible in making a representation to that agency?
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6 7 8 9 10 11 12 13	there's nothing wrong with that, is there? A No, absolutely not. Q And, in fact, telling them that they need to speak English when they communicate with each other is contrary to the company's diversity and affirmative action recruitment efforts, isn't it? MS. CALEM: Object to the form. THE WITNESS: From a recruitment perspective I don't see the correlation to recruitment, but, no, individuals are free to speak their language in the workplace.	1 1 1 1 1	4 5 6 7 8 9 .0 .1 .2 .3	A These notes were I believe they were submitted to the NLRB. Q From whom? A They look like a compilation of the notes that I provided and other people. Q Are they accurate? A I'd have to go through each each one, each bullet. Q If they were submitted to the NLRB, can I assume that your company would be as accurate as possible in making a representation to that agency? A Yes, that would be the intent for sure, be as accurate as possible.
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6 7 8 9 10 11 12 13 14 15 16	there's nothing wrong with that, is there? A No, absolutely not. Q And, in fact, telling them that they need to speak English when they communicate with each other is contrary to the company's diversity and affirmative action recruitment efforts, isn't it? MS. CALEM: Object to the form. THE WITNESS: From a recruitment perspective I don't see the correlation to recruitment, but, no, individuals are free to speak their language in the workplace. BY MS. POCHOP: Q So the notes that we have of the reaction that	1 1 1 1 1 1	4 5 6 7 8 9 .0 .1 .2 .3 .4	A These notes were I believe they were submitted to the NLRB. Q From whom? A They look like a compilation of the notes that I provided and other people. Q Are they accurate? A I'd have to go through each each one, each bullet. Q If they were submitted to the NLRB, can I assume that your company would be as accurate as possible in making a representation to that agency? A Yes, that would be the intent for sure, be as accurate as possible. Q What did you do when you found out that Russ had determined that it was sufficient to simply have a
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1	Page 65		Pag
1	Dave Hillberg, Steve Fergen, and conducted an	1	BY MS. POCHOP:
2	investigation. Reviewed it, reviewed the notes. Met	2	Q What have you done to follow up on the reason why Russ
3	with Scott Genzler, met with Sala. Asked Sala to come	3	would describe this incident as summarize it as
4	up and explain what had happened in her words.	4	somebody being called a bitch, to the HR manager?
5	I believed that the discipline to Scott Genzler	5	A Reviewed with Russ the expectation of reporting
6	was insufficient, I clearly believed that, for his	6	incidents in a timely manner and completely fully
7	actions, and notified the union that I intended to	7	and completely in a timely manner; the expectations,
8	suspend him for his behavior. There was a lot of	8	reinforced with Russ, as well as reviewed our
9	resistance to that from the union. I said, well, hey,	9	expectations around respectful conduct in the
10	we need to make sure, based on what had transpired to	10	workplace.
11	date, that we do the right thing, and I notified the	11	. Q The double jeopardy issue with Scott Genzler is a
12	union that it was that the warnings for Lorena,	12	direct result of Russ Hultman failing to accurately
13	Sala, and Yvette would be pulled from their file for	13	provide information to the HR department, right?
14	not reporting back to the line and had worked with Russ	14	A Yes, I see I'll be honest I'm certainly honest
15	to give him the opportunity to communicate that to the	15	I see Russ, Carrie, and Dave all had learnings from
16	ladies.	16	this event, as well as myself.
17	After discussions with the union, we came to an	17	Q And Carrie testified yesterday that the discipline that
18	agreement on a strategy, a plan of action to do the	18	Scott Genzler received from Russ which, by the way,
19	right thing, in addition to removing the discipline. I	19	had to be directed from HR. That's true, isn't it?
20	thought it was appropriate for Carrie to follow up with	20	A The supervisors have the discretion, on written and
21	Sala, Yvette, and Lorena a few days later to see how	21	verbal reprimands, to issue those. Suspensions and
22	they were doing, make sure they were okay, if they had	22	above require are performed through the HR group.
23	any other concerns.	23	Q Right. And Russ decided to issue a written warning,
24	Reviewed Scott Genzler's file. Scott was removed	24	
0.5	from the PIT committee. Scott was also disciplined for	25	
25	Page 66		Pag
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1 2	Page 66 failure to follow company procedures around proper gating in/gating out. It was identified that he was	1 2	Pag A I think he issued that on Monday, not Saturday. Q Right. But he could have issued a warning if all he was going to do was give a written or verbal warning,
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	Page 69		Page 71
1	MS. CALEM: Object to the form.	1	disciplinary action?
2	THE WITNESS: He hadn't on Monday morning, no.	2	
3	BY MS. POCHOP:	3	Q And that he issued Exhibit 16 based on a directive from
4	Q Have you done any have you had any discussions with	4	
5	Russ about why he would be confused about whether	5	A That was my understanding from talking to Russ, is that
6	Scott's actions would warrant a disciplinary action?	6	Section 1997 and 1997
7	MS. CALEM: Object to the form.	7	
8	THE WITNESS: Yes. After the incident, yes.	8	Q So the decision to issue Exhibit 16, the disciplinary
9	BY MS. POCHOP:	9	
10	Q Tell me about your discussion with Russ about his	10	Moate?
11	decision not to issue any verbal or written warning	11	MS. CALEM: Object to the form.
12	until directed to do so.	12	THE WITNESS: Based on the information that Carrie
13	A Russ was waiting for guidance from HR.	13	had at the time, she instructed I believe she
14	Q Did Russ tell you that he thought the matter had been	14	instructed Russ to issue discipline.
15	resolved on Saturday at the meeting?	15	BY MS. POCHOP:
16	A No.	16	Q And so Carrie Moate directed Russ to issue discipline
17	Q So you're just assuming that Russ was waiting for a	17	
18	directive from HR?	18	
19	A No. That's what Russ told me.	19	
20	Q And then when Russ did issue a disciplinary action, you	20	BY MS. POCHOP:
21	and Carrie later discovered that it was not sufficient	21	Q Is that a violation of company disciplinary policy?
22	discipline?	22	A Well, at the time, I believe Carrie thought she
23	A I can speak for myself. I did not believe it was	23	
24	sufficient, no. No, I believe that Scott should have	24	Q Does she have an obligation to investigate before
25	been suspended,	25	employees are disciplined?
		- =	
153	Page:70		Page 72
1	Q And, in fact, it was how Russ decided to discipline for	1	MS. CALEM: Object to the form.
2	this discipline Scott for this action that created	2	
3	the double jeopardy issue that you later ran into with	3	- WANTED COUNTY OF THE PROPERTY OF THE PROPERT
4	the union?	4	
5	MS, CALEM: Objection. Asked and answered.	5	
6	THE WITNESS: Yes. That discipline that was	6	
7	issued on Monday created the double jeopardy, yes.	7	
190	BY MS. POCHOP:	8	
9	Q Did you have concerns have you had concerns about	9	
10	how Russ is interpreting your policy when he was the	10	
11	cause of an issue with the union about discipline	11	
12	because of the way he decided to discipline Scott	12	
13	Genzler?	13	
14	MS, CALEM: Object to the form.	14	
15	THE WITNESS: Again, I think there was learnings	15	
16	for Dave Hillberg, Carrie, and Russ around this	16	A1490 Late A500 (2004 10-20)
17	incident and how it should have been handled.	17	
18	BY MS. POCHOP:	18	
19	Q What was Dave Hillberg's learnings from the incident?	19	
20	A Dave the same for all three is that a decision	20	
21	around discipline should not have taken place until it	21	
22	was very clear that all three had the same set of	22	
23	facts. That's the learning for me.	23	
24		24	entre de la contraction de la
25	waiting for a directive from HR before issuing a	25	
	100 to to to the Control of the Cont		

Sm	itnfield Foods, Inc.	June 1, 2018
	Page	Page 75
1	BY MS. POCHOP:	1 accurate information
2	Q And did Carrie also fail to properly investigate and	2 A Correct.
3	gather the material facts about Scott Genzler's	3 Q before a discipline?
4	behavior before she made a recommendation about his	4 A Yes.
5	disciplinary action?	5 Q That's an obligation under the union contract, correct?
6	A I thought that's what we were talking about.	6 A Yes.
7	Q I was talking about let me make sure and clarify	7 Q And that is an obligation under the general Smithfield
8	this, because this one is important to me.	8 policies and procedures?
9	A Uh-huh.	9 A Yes.
10	Q Did Carrie Moate fulfill her obligations as an HR	10 Q If anyone involved in the Genzler incident was going to
11	manager when she directed that Lorena, Sala, and Yvette	have material facts at hand to make a decision about
12	should be issued a discipline for being in the HR	discipline, it should have been Carrie, true?
13	office? Had she properly investigated that matter?	13 MS. CALEM: Object to the form.
14	MS. CALEM: Object to the form.	14 THE WITNESS: Yes.
15	THE WITNESS: No, I don't think Carrie had all the	15 BY MS. POCHOP:
200000	information, but based on the information that she had,	16 Q And she didn't, did she?
16		17 A No.
17	and assuming that information was correct, then her	The state of the s
18	response was not improper.	18 Q She didn't do it when the women were disciplined?
	BY MS. POCHOP:	MS. CALEM: Object to the form.
20		20 BY MS. POCHOP:
21	the very nature of her job as the HR manager to make	21 Q She didn't get the material facts before she approved a
22	sure that she has all of the material facts before a	discipline for these three women?
23	disciplinary action is directed by her from HR?	23 A No.
	A Again, yes, there was learnings for Dave, Carrie, and	24 Q She didn't get the material facts before she approved a
25	Russ on this event.	25 discipline for Scott Genzler?
	Page	74 Page 76
1	Q And did the learnings that Carrie got from approving a	1 A No.
2	discipline for these three women result in any	2 Q She didn't report to you that Russ Hultman, a manager,
3	disciplinary action for Carrie?	3 had not provided her with accurate information?
4	A I spent time with each of the three individuals	4 A No.
5	coaching, reinforcing expectations, reviewing the	5 Q And she didn't get any disciplinary action.
6	incident.	6 A No.
7	As far as formal documented discipline, no.	7 Q Even though she failed at least three ways to fulfill
8	Q And was it also Carrie's basic job responsibility to	8 basic job duty as an HR manager.
9	find out all of the material facts about what Scott	9 MS. CALEM: Object to the form.
10	Genzler had done before she issued a directive about	10 BY MS. POCHOP:
11	what his discipline should be?	11 Q She failed in three ways to fulfill her job duty in
1	A Yes.	this one incident, didn't she?
	Q And did Carrie fulfill her basic job duties as an HR	13 A Yes. And, again, I reviewed the context of that
14	manager when she directed a written warning for him	14 failure.
15	based on the incident that had occurred on February 19,	15 Q And you decided that what should happen to her for
16	2016?	failing to fulfill a basic job duty was coaching?
17	MS. CALEM: Object to the form.	17 A Yes. Dave, Carrie, and Russ.
18	THE WITNESS: Based on the information she had,	18 Q Because Russ didn't ever receive a disciplinary action
19	she felt that was the right decision. I don't believe	19 for his failure to provide accurate information to HR,
20	it was the right decision.	20 did he?
	BY MS. POCHOP:	21 A Correct.
18200000		
20		22 Q And was that a basic responsibility that Russ has as a
	Q Well, we know the information that she had was	23 manager to may ide account in formation about
23	materially lacking, right?	23 manager, to provide accurate information about
23 24	materially lacking, right? A Correct.	discrimination in the workplace when he communicates to
23	materially lacking, right? A Correct.	

mithf	ield Foods, Inc.			June 1, 20
	Page 77			Page 75
1. A	Correct.	1	В	Y MS. POCHOP:
	Was it a basic job responsibility of Russ's to	2		And whose responsibility would it be to follow up and
	immediately address a complaint of race discrimination	3	-	make sure that Becky understood her obligations as a
	in the workplace?	4		Smithfield employee?
	And I believe Russ did that. He called the	5	Α	Well, in this case, it became very apparent that the
	investigation, collected the data, had the witnesses	6	11	issue at least on Thursday and through the follow-up
		7		discussions about the circumstances and the sequence of
	take their statements.	8		events, that if there's no dispute on the material
	Did Russ take a witness statement from Lorena?	10000		facts, I'm not sure that additional witnesses would be
	I believe he had Sala review what happened.	9		
	So did he take a witness statement from Lorena?	10		called.
	I don't I don't know. I don't recall.	11	Q	Is Becky Kaufman trained that she has an obligation to
	Well, you just told me that he took witness	12		speak up and do the right thing when she witnesses
	Well, he gathered the individuals together to find out	13		discrimination in the workplace?
	what happened.	14	A	Yes.
.5 Q	Did anybody ever interview Becky Kaufman, who was also	15	Q	
6	a witness to this incident?	16		when she witnessed Scott Genzler making racist,
.7 A	I think, talking to Sala and Scott, the facts were very	17		intimidating, and bullying remarks to her coworkers?
.8	clear.	18		MS. CALEM: Object to the form.
.9 Q	Was it ever disputed that	19		THE WITNESS: Well, I think the well, I can
0 A	No, it wasn't disputed. No.	20		only make assumptions. One assumption would be that
1 Q	Sala and Yvette have been very accurate in how they	21		Becky was aware that the incident was being reported by
2	reported Scott's behavior, haven't they?	22		Sala and Yvette and Lorena. If an event happens and a.
	In this example, yes. This is very clear.	23		hundred people witness it, I would not expect a hundred
	A CONTRACT OF THE PROPERTY OF	24		
24 0	And Becky Kaufman is the answer to my question about	144		people to report the event if they know the event was
	And Becky Kaufman is the answer to my question about whether Becky Kaufman was ever interviewed by anybody Page 78	24 25		people to report the event if they know the event was being reported. Page 8
	whether Becky Kaufman was ever interviewed by anybody		Ú.	being reported.
1	whether Becky Kaufman was ever interviewed by anybody Page 78 in HR no?	25		being reported. Page 8 Y MS. POCHOP:
1 2 A	whether Becky Kaufman was ever interviewed by anybody Page 78 in HR no? I don't recall Becky being interviewed.	25 1 2		being reported. Page 8 Y MS. POCHOP: Under the training they receive, they are told that
1 2 A 3 Q	whether Becky Kaufman was ever interviewed by anybody Page 78 in HR no? I don't recall Becky being interviewed. And who would have made the determination that she	1 2 3	Q	being reported. Page 8 Y MS. POCHOP: Under the training they receive, they are told that it's their duty and responsibility to report it, right?
1 2 A 3 Q	whether Becky Kaufman was ever interviewed by anybody Page 78 in HR no? I don't recall Becky being interviewed.	1 2 3	Q A	Page 8 Y MS. POCHOP: Under the training they receive, they are told that it's their duty and responsibility to report it, right? Right.
1 2 A 3 Q 4	whether Becky Kaufman was ever interviewed by anybody Page 78 in HR no? I don't recall Becky being interviewed. And who would have made the determination that she should not have been interviewed about her observations?	1 2 3	Q A	Page 8 Y MS. POCHOP: Under the training they receive, they are told that it's their duty and responsibility to report it, right? Right. And so what, I guess, you're telling me is that you
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1 2 A 3 Q 4 5 6 A 7 8 9 110 111 12 Q 113 114 A A 115 Q 116 117 118 A A 119 Q 20 A 21 Q 22 23 24	whether Becky Kaufman was ever interviewed by anybody Page 78 in HR no? I don't recall Becky being interviewed. And who would have made the determination that she should not have been interviewed about her observations? Conducting the interviews, that decision is generally made jointly by the HR representative in the interview as well as the union person in the interview? We ask, is there anybody else we should interview? We talk about it, and if the facts are not in dispute, we may not interview additional people. Is Becky Kaufman obligated to report discriminatory behavior under Smithfield policy? All employees. Did Becky Kaufman make any report of the discriminatory behavior that she had, at a minimum, witnessed on February 19, 2016? The Scott Genzler? Yeah, the Scott Genzler incident. I don't know if she did or not to Russ. I don't know. Well, if she did, it should be in your company minutes about notes about your investigation, shouldn't it?	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q A Q B' Q A Q	Page 8 Y MS. POCHOP: Under the training they receive, they are told that it's their duty and responsibility to report it, right? Right. And so what, I guess, you're telling me is that you know that some employees are not going to follow what your training is? MS. CALEM: Object to the form. This line of questioning is sort of beating a dead horse. It's harassing. THE WITNESS: I think there's also a test of reasonableness. Is it reasonable to report an incident when the people directly impacted by it have already reported it and that person knows that they reported it? Y MS. POCHOP: But the problem that we have is that you're relying on assumptions about why Becky didn't report, right? Yeah. I don't know. You're making an assumption that Becky didn't come report this violation because she thought somebody else was going to do it?

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1 THE WITNESS: I'm sorry. What's the question?	1 by Smithfield Foods to the EEOC describing the material
2 BY MS. POCHOP:	2 facts of the Genzler complaint?
3 Q Is there any record that you have that Becky Kaufman	3 MS. CALEM: Object and instruct him not to answer
4 ever reported this obvious violation of company policy?	4 because of attorney-client privilege.
5 A Not that I'm aware of.	5 MS. POCHOP: Okay.
6 Q And whose responsibility would it be to know whether	6 BY MS. POCHOP:
7 Becky had made a report about an obvious violation of	7 Q Do you know what materials were provided to the EEO in
8 the company discrimination policy?	8 response to Sala and Yvette's complaint?
9 MS. CALEM: Object to the form. And it's sort of	9 A I have not seen the entire packet, no.
10 like proving a negative.	10 Q I'm going to show you a copy of Exhibit 8 just for
11 THE WITNESS: So who's can you repeat the	11 your
12 question again? Who's responsible	12 A Okay. Yep.
13 BY MS. POCHOP:	13 Q This is a memo from you to Scott or to Russ Hultman?
14 Q Who's responsible to know whether Becky made a report	14 A Russ, yep.
	15 Q And by this time, on March 3rd, you would have been
MS. CALEM: Object to the form.	aware that because this discipline was issued on
17 THE WITNESS: I'm not aware that she did.	February 22, you were aware of the double jeopardy
	problem that had arisen because of the way Scott was
19 Q If she did, would there be a record of it?	19 disciplined by this point, correct?
20 A If she did to HR, I'd expect that yes.	-20 A Yes.
21 Q Yes. That's part of the documentation policy at	21 Q And even though you knew that Russ had not been
22 Smithfield, isn't it?	22 accurate with Carrie by this point, you still had Russ
23 A Correct. Yes.	23 involved in documenting and making notes for your file
24 Q It's part of the investigation policy at Smithfield,	on this report of discrimination, according to
25 isn't it?	25 Exhibit 8, right?
The second of th	
Page 82	. Pag
1 MS. CALEM: Object to the form.	1 A Yes. I wanted to make sure that Russ closed the loop
THE WITNESS: If there's a complaint, it should be	on the removal of the warnings from Sala, Lorena's and
3 documented, yes.	3 Yvette's file. And I thought it was important that he
4 BY MS. POCHOP:	did that. We had notified the union. I didn't know if
5 Q And there's no documentation that Becky ever reported	5 the union had notified the individuals or not, but I
6 the obvious policy violation?	6 wanted to make sure that it was clearly documented that
7 A Not that I'm aware of, no.	
The state of the s	Russ had met with each of them and removed the
8 Q And there's no record that anybody in management ever	8 discipline that he placed on their file.
9 even interviewed Becky about witnessing an obvious	discipline that he placed on their file.Q And did Russ tell you that he did that?
9 even interviewed Becky about witnessing an obvious policy violation?	 8 discipline that he placed on their file. 9 Q And did Russ tell you that he did that? 10 A I received this back from Russ confirming.
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		ld Foods, Inc.		June 1, 201
		Page 85		Page 87
1	he	make good notes on this matter, did you notice that	1	1 A I don't know. That looks like a I don't know what
2	he	doesn't even have the dates of the meetings correct?	2	2 that email
3	A W	/hat was said on the line on Friday, February 26th	3	3 Q Why would there be an email between you and Gary Loger
4	QR	ight.	4	on February 29th regarding suspensions in relation to
5	Α	versus the 22nd?	5	5 Lorena Morales, Yvette, and Sala?
6	Q 19	9th.	6	6 A I have no idea why it said suspensions. Nobody was
7	A O	r 19th? Oh, Monday was the 22nd.	7	suspended. I know Gary was away the day that the
8	QR	ight. Did you notice that he didn't even have the	8	8 incident happened. I may have asked Gary for
9	rig	ght dates for these meetings?	9	9 confirmation of I just don't know. It doesn't make
10	A I	did not.	10	0 any sense to me.
11	Q D	rid you notice that he didn't bother filling in the	11	1 Q You state in Exhibit 8, "It is important to have good
12	da	te about when the verbal reprimand that had been	12	2 notes on this."
13	iss	sued would be removed from their files?	13	Why was it important to have good notes on this
14		MS. CALEM: Object to the form. That's not	14	4 incident?
15		THE WITNESS: Yeah, the intent was to make sure	15	5 A I wanted to reinforce the importance of the actions
16	tha	at Russ had the conversation with the individuals and	16	
17	rei	moved the documents.	17	
18	BY M	AS. POCHOP:	18	8 correct dates an indication to you that you do not have
19	Q D	id you provide him this format about what information	19	9 good notes on this event?
20		ou needed in response to Exhibit 8?	20	0 MS. CALEM: Objection to the form.
21		eah, this is my email to him on the 3rd. It says,	21	THE WITNESS: On the event of Russ communicating
22		lease send me notes from your meeting with the	22	2 to Sala and Yvette?
23		nployees last week to close off the file. Who's in	23	3 BY MS. POCHOP:
24		e meeting, key messages. It is important to have	24	
25		ood notes on this. Thank you, Russ."	25	5 A Yeah, the dates I'm not sure if he if his
			G 7017	
100	1-4-17	Page 86-	14113	Page 88
1	O D	id you type up the next section that says the meeting	1	1 intention was that the I don't know what
2	1000	ne	2	
3	A Y		3	The 1071-01 000 W 85 to 00 MARKE VS NO 100050 CS VS TO
4		and location?	4	
5	1015	eah.	5	
6		id you type in the statement that said, "Notify ladies	6	
7		at verbal reprimand issued to," and then there's a	7	
8		ank, "would be removed from their files"?	8	
9		es. That's what I wanted to make sure that he did,	9	N 355 S 545 55055 SU NU
10		at he had that contact with them and let them know.	10	
11		o you didn't really even know if Russ had done this;		1 A Yes.
12		ou just assumed it and typed it in as an action that	100000000000000000000000000000000000000	2 Q So in that context, was it your responsibility to make
13		took?	13	
14	110	MS. CALEM: Objection to the form.	14	and the second s
15		THE WITNESS: No. I instructed him I was	l	5 A I expected I would expect Russ to provide accurate
16	fol	llowing up I previously instructed him to make	16	AND PROPERTY OF THE PROPERTY O
17		re he did it, communicated to him because we had	17	STORY STORY OF SOUTH STORY STORY
18		moved the notes from their files. We had informed	18	
19		e union. But, again, I wanted to make sure that Russ	19	
20		d that contact with the three individuals and	20	
21		mmunicated it to them, and I wanted Russ to document	21	
22		at back, that he completed that task.	1000001000	2 A Maybe that was the date that he met with Sala and
23		4S. POCHOP:	23	one season A socialists we as
	אונם	10, 1 001101 .	l	
1	OW	hy were you communicating with Gary Loger about	24	4 O Well
24 25		hy were you communicating with Gary Loger about spensions?	24	~

	Page 89		Page 91
1	It may be that his intentions were, as I read it, that	1	BY MS. POCHOP:
2	he met with the ladies on the line on Friday,	2	Q And whose responsibility at Smithfield is it to know
3	February 26th, and said that he'd make sure that those	3	that for sure about how employees are being
4	reprimands got removed the following Monday. I don't	4	disciplined?
5	know.	5	MS. CALEM: Object to the form.
6	Q Well, as the HR director who is now directly involved	6	THE WITNESS: Well, my intent with this was to
7	in	7	make sure that Russ met with the individuals and notify
8	A Yeah.	8	them that the discipline was being removed from their
9	Q the documentation, investigation, and follow-up of	9	file.
10	this race discrimination claim, did you read Exhibit 8	10	BY MS. POCHOP:
11	when Russ provided it to you?	11	Q After the Genzler incident, there was follow-up with
12	A Yes.	12	Sala and Yvette about how their workplace was operating
13	Q Did you follow up on what was said on the line on	13	for them from Carrie?
14	Friday, February 26th?	14	A Yes.
15	A Did I follow up with Russ	15	Q During that follow-up, Sala made reports to Carrie
16	Q Right.	16	Moate well, actually, it looks like she made the
17	A on this?	17	report to you on April 4, 2016, that she was
18	No, I did not follow up on this, not with Russ.	18	complaining that she had to work with Juan Ogaldez and
19	Q Do you know if there was something that was said on the	19	that she had complaints about Gary.
20	line on February 26th?	20	MS. CALEM: Do you have an exhibit number you're
21	MS. CALEM: Object to the form.	21	looking at?
22	THE WITNESS: I don't know if that's the date	22	MS. POCHOP: 28.
23	that I don't know if that's the date that he met	23	BY MS. POCHOP:
24	with folks. No, I don't know.	24	Q Do you remember that?
25		25	A Exhibit 28. This is April 4th, 2016?
	Page 90		Page 92
1	BY MS. POCHOP:	1	Q Yes.
2	Q Well, his handwriting says that one of the things that	2	A Yes, I recall this event.
3	he talked about was what was said on the line on		
4		3	Q So you were aware that Sala had after she made this
5	The distinct of the control of the c	3 4	
2	February 26th? A Yeah, I don't know I don't know what was said.	1000	Q So you were aware that Sala had after she made this
6	February 26th?	4	Q So you were aware that Sala had after she made this report about Scott Genzler, that she felt that she was
	February 26th? A Yeah, I don't know I don't know what was said.	4 5	Q So you were aware that Sala had after she made this report about Scott Genzler, that she felt that she was being reassigned to work with Juan Ogaldez as
6	February 26th? A Yeah, I don't know I don't know what was said. Q And is it your responsibility as the HR manager [sic]	4 5 6	Q So you were aware that Sala had after she made this report about Scott Genzler, that she felt that she was being reassigned to work with Juan Ogaldez as retaliation for making a complaint?
6 7	February 26th? A Yeah, I don't know I don't know what was said. Q And is it your responsibility as the HR manager [sic] at Smithfield who is investigating this to find out if	4 5 6 7	Q So you were aware that Sala had after she made this report about Scott Genzler, that she felt that she was being reassigned to work with Juan Ogaldez as retaliation for making a complaint? MS. CALEM: Object to the form of the question.
6 7 8	February 26th? A Yeah, I don't know I don't know what was said. Q And is it your responsibility as the HR manager [sic] at Smithfield who is investigating this to find out if there was something said on the line on Friday,	4 5 6 7 8	Q So you were aware that Sala had after she made this report about Scott Genzler, that she felt that she was being reassigned to work with Juan Ogaldez as retaliation for making a complaint? MS. CALEM: Object to the form of the question. Lacks foundation.
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Page 93			Page 95
not work together ever.	1	F	BY MS. POCHOP:
			When she took out a protection order and your HR
	ŀ		department got a copy of it, did that raise any
	3888		concerns that she was feeling threatened and upset
			about having to work with the person that she had
	2.50		accused of sexual harassment?
			Yes, it raised concerns.
			And what investigation was done with Sala after you got
	1000		a copy of her protection order in your HR department?
5.	500.0	- /	
	4000		protection order was consistent with the concerns that
			were brought forward in the past and investigated, the
			2014 event.
	100000000000000000000000000000000000000		With protection orders, if the individuals are
			required to work in different areas, then when Juan
			returned to work, there would be a requirement to meet
			with Juan and find an alternate work assignment for
AN APPARAM AND	l		him. Juan did not return to work.
	55500000		Did anybody investigate Sala's protection order in the
			HR department?
			We reviewed it, yes.
		- 6	
			2 Is it consistent with Smithfield policy and procedure
	Secretary Secretary		that, when you receive a copy of a protection order
The anegations that stant made sexual gestures and	23	70.55	that, when you receive a copy of a protection order
comments at work has been verified, though, hasn't it? MS. CALEM: Objection to the form. We're talking	2		Page 96 between employees about workplace behavior that no one asks the person the employee who filed the protection order why they filed it?
	- 5		
			this case, we, of course, sent a copy to our corporate
3 (2017)	100		and legal folks, reviewed it. We didn't find anything
	-300		material new. The individual that the restraining
942 Vs 292 Vs 20 Vs 30 V			order was filed against did not return to work.
	l		with Sala would be necessary?
	W. A. C.		MS. CALEM: Object to the form.
	CHANNEL		THE WITNESS: I did not believe one was required,
			no.
			BY MS. POCHOP:
			And do you think that your determination in that regard
70000			is consistent with the way Smithfield Foods managers
	W3779C52		interpret their sexual harassment policies?
			MS. CALEM: Object to the form. Calls for
			speculation.
			THE WITNESS: Yes, I believe my actions were
	10000000		consistent with Smithfield's expectations. Yes.
			BY MS, POCHOP:
volunteered or chose to work with Juan, and we're not	23		And then there was another incident in 2017 where Russ
aware of any issues or concerns at this point in time.	24		touched Sala in a way she found offensive and made a
	MS. CALEM: Objection to the form. We're talking about something that happened in 2014. THE WITNESS: Well, this event, Juan was adamant that his what he did was a motion like this, hurry up, hurry up, and that he makes that motion frequently as part of his duties. So the allegations were not substantiated in the investigation. They weren't disproved either. BY MS. POCHOP:	I reviewed that with BJ. BJ reviewed the notes from the union, and he confirmed as well that those notes and that commitment was not made that they would never work together. BY MS. POCHOP: Q Despite her complaint and her expression of concerns about having to work in close physical proximity to a person that she had reported for sexual harassment, were you the HR manager who decided that they would be able to continue to work together on the same line? MS. CALEM: Object to the form. Misstates the evidence in the record and the testimony. THE WITNESS: The Juan Ogaldez incident, Sala raised a concern that Juan had made an inappropriate gesture. An investigation was conducted. And there was concerns also raised that Juan was joking around, that Sala and Juan were throwing meat at each other, that Sala would threaten to take Juan to HR. The allegations that Juan made a sexual gesture were not confirmed in the incident investigation. Juan stated— BY MS. POCHOP: Q They ended up—excuse me. The allegations that Juan made sexual gestures and Page 94 comments at work has been verified, though, hasn't it? MS. CALEM: Objection to the form. We're talking about something that happened in 2014. THE WITNESS: Well, this event, Juan was adamant that his—what he did was a motion like this, hurry up, hurry up, and that he makes that motion frequently as part of his duties. So the allegations were not substantiated in the investigation. They weren't disproved either. BY MS. POCHOP: Q From an HR perspective, is it a good idea, when an employee feels strongly enough about having to work with a person that she has accused of sexual harassment—is it a good idea to assign them to work together? MS. CALEM: Object to the form. Incomplete hypothetical. THE WITNESS: If the harassment is confirmed, no. 1 believe reasonable steps were taken in this case to minimize the times that Sala and Juan were required to work together.	I reviewed that with BJ. BJ reviewed the notes from the union, and he confirmed as well that those notes and that commitment was not made that they would never work together. BY MS. POCHOP: Q Despite her complaint and her expression of concerns about having to work in close physical proximity to a person that she had reported for sexual harassment, were you the HR manager who decided that they would be able to continue to work together on the same line? MS. CALEM: Object to the form. Misstates the evidence in the record and the testimony. THE WITNESS: The Juan Ogaldez incident, Sala raised a concern that Juan had made an inappropriate gesture. An investigation was conducted. And there was concerns also raised that Juan was joking around, that Sala and Juan were throwing meat at each other, that Sala would threaten to take Juan to HR. The allegations that Juan made a sexual gesture were not confirmed in the incident investigation. Juan stated BY MS. POCHOP: Q They ended up excuse me. The allegations that Juan made sexual gestures and Page 94 comments at work has been verified, though, hasn't it? MS. CALEM: Objection to the form. We're talking about something that happened in 2014. THE WITNESS: Well, this event, Juan was adamant that his what he did was a motion like this, hurry up, hurry up, and that he makes that motion frequently as part of his duties. So the allegations were not substantiated in the investigation. They weren't disproved either. BY MS. POCHOP: Q From an HR perspective, is it a good idea, when an employee feels strongly enough about having to work with a person that she has accused of sexual harassment is it a good idea to assign them to work together? MS. CALEM: Object to the form. Incomplete hypothetical. THE WITNESS: If the harassment is confirmed, no. 1 believe reasonable steps were taken in this case to minimize the times that Sala and Juan were required to work together.

Sm	ithfield Foods, Inc.	June 1, 2018
	ļ	Page 97 Page 99
1	Tom Anderson, and you agreed with Sala that that was	1 an incident report why they were there.
2	inappropriate behavior by Russ?	2 A Carrie's the you know, the tier two response. The
3	A Absolutely.	3 tier one response would be the gals at the window. I
4	Q And I think Russ described that he had to go to a	4 don't know who handed the note. I expected, as I
5	training school?	5 mentioned earlier, that would have expected that all
6	A Russ was suspended. There was a grievance filed as	6 the individuals involved, Dave, Carrie, and Russ, would
7	well.	7 have had the same information before they made any
8	Q Right.	8 decisions.
9	A And as a result of that, Russ was sent home. I believe	9 Q And what I'm specifically asking you in a yes-or-no
10	it was myself and BJ invited Sala down to report to	10 format
11	her, you know, thank you for bringing it forward, the	11 A Uh-huh.
12	conduct was inappropriate, and the consequences.	12 Q is, did Carrie perform her HR duties as she is
13	Q And then it looks like about a month later, Sala, once	13 required to when she did not ask Sala why she was in
14	again, followed the policy and spoke up when she was	14 the HR department?
15	hit with a ham? Do you remember that incident?	15 A Based on the information that Carrie had and the
16	A Yes. What's the date of that incident?	16 circumstance of her leaving to complete payroll, being
		17 told that employees were off the line, the response
17	Q It looks like August 15, 2017. A Yeah, I don't know if there's an exhibit on that,	18 — was, well, they can be wrote up, is a correct response.
	but	19 So in that circumstance, I don't think her
19		20 response was inappropriate.
3 20 2	Q It's No. 43. While you're reviewing that, let's take a little	21 Q Was it her responsibility to find out why the employees
21	break.	22 had come to the HR department to get an incident report
23	(Recess taken from 11:06 a.m. to 11:25 a.m.)	23 form?
24	BY MS, POCHOP:	24 A I don't know if she knew that they had filled out an
25	Q The discipline that had been issued to Sala and Yvette	25 incident report form at that time.
23	The discipline that had been issued to but that I vote	
		Page 98 Page 100
7		The substance of the control of the state of
1	and Lorena is the subject of this particular question.	1 Q But isn't that exactly what her job is as an HR manager
2	Did Smithfield Foods agree to remove that	2 when people show up at the HR department and she
3	discipline from their record?	3 personally speaks to them?
4	A Yes.	4 MS. CALEM: Object to the form.
5	Q Why?	5 THE WITNESS: I'm not sure if she spoke to them
6	A I recommended that the discipline be removed. Coming	
7	back to Scott Genzler, I didn't think it was I would	7 complaint is addressed to Carrie, Monica, or myself,
8	have liked to have seen more stringent discipline on	8 then, yes, we have to do a complete we're expected
9	Scott. I thought Scott should have been suspended.	9 to, and the right thing to do, is an investigation.
10	And we met with the union, went through what's the	10 BY MS. POCHOP:
11	right thing to do, how do we how do we fix this.	11 Q Did Carrie's failure to find out why Sala, Yvette, and 12 Lorena were in the HR department before she sent them
12	And that was one of the recommendations and actions	Lorena were in the HR department before she sent them back to work comply with Smithfield Foods open door
13	that I took to help what I thought was to just to do	14 complaint policy?
14	the right thing, just take it off, off their file.	15 A I'm not sure if Carrie sent them back to work or Russ
15		
16	expected by Smithfield Foods when she did not ask Sala, Yvette, or Lorena why they were in the HR department	17 Q Does it make a difference?
17	before sending them back to work?	18 A I think it does.
-	A Well, Carrie responded to a question, and I think her	19 Q Did Russ comply with the company's open door policy
20	response was appropriate for the question, is if	20 when he had Lorena, Sala, and Yvette return to work
21		21 when they were in the HR department making a race
22	can be wrote up. I mean, that's standard.	22 discrimination complaint?
23	200	23 A The ideal situation would be that Russ, Carrie, and
24	consistent with Smithfield policy when she did not ask	24 Dave all had the same information to make the right
25	three employees who were in her department filling out	25 decisions. In that situation, Russ has an obligation
		The significant indicators are disclosed to the significant indicators of the significant indic

Scott Reed June 1, 2018

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1	Page 101			Page 103
1	to keep the lines running, and I would expect Russ to	1		make sure that that act of having to toss or push the
2	set up a time for the ladies and him to come over to	2		hams back up to the front of the line was stopped. So
3	HR. That's what I would have expected should have	3		that safety issue was stopped.
4	happened.	4	Ç	So that would have been a legitimate safety issue that
5	Q Did Russ and Carrie do that at the time when they were	5		Sala had spoken up about?
6	in the HR department while Lorena, Sala, and Yvette	6	A	Yes.
7	were there?	7	Ç	Who was the employee who was alleged to have thrown the
8	A No. No.	8		ham?
9	Q Is that a violation of the Smithfield policies and	9	A	I don't recall the employee's name.
10	procedures for dealing with complaints of	10	Ç	I mean, that's an allegation of workplace violence if
11	discrimination?	11		it's true, isn't it?
12	A I don't know if it's a violation of a policy, but the	12	A	It's possible. It's also possible that it was just an
13	policy required that a time is set up for them to be	13		unsafe practice that was in place.
14	off the line and make sure the information is shared,	14	Ç	Well, it looks like Dakota Mills investigated to
15	and that's what I would expect as well.	15		determine whether this was an intentional act, right?
16	Q But that didn't happen, did it?	16	- A	Let's see. Broken machine was fixing or being
17	A No, it did not happen.	17		fixed. One ham passed. Wasn't clipping. People were
18	Q And that was Carrie's responsibility to make sure that	18		hanging. Ham was thrown and struck her chest.
19	that happened since she was the HR manager involved,	19	C	I'm looking at an August 16, 2017 email from Dakota
20	right?	20		Mills to you that says, quote, the only indication that
21	A Between Carrie, Russ yes, that was their	21		it wasn't intentional came from the written statement
22	responsibility.	22		of the employee who tossed the ham, end quote.
23	as all and a second a second and a second an	23		MS. CALEM: That's not an exhibit, so if you'd
	A Yes.	24		like to question him about it, perhaps you should make
A.L	Q And he didn't do it either?	25		it an exhibit.
g Darwin	Page 102	-		Page 104
-		-	n	V.M. DOCHOD
- 8		-		Y MS. POCHOP:
2		2	Q	Well, what I want to know is was in your mind, was
3	failure to follow that part of the Smithfield policy	3		this ham incident investigated as a potential
4	and procedure?	4		intentional act of violence?
5	A Carrie and Russ did not receive discipline for their	1 150		Yes.
6	part in this incident investigation, no.	6	Q	and the second s
7	Q And it looks like in August of 2015 Sala reported that	7		only indication that it wasn't intentional was from the
8	she had been hit with a ham and she thought that it had	8		employee who tossed the ham, if you recall?
9	been an intentional act of violence by a coworker?	Sellowy	A	I don't recall the other findings other than that I
10	MS. CALEM: You said August of 2015. Did you mean	10		know that there was a practice that was amended.
11	4 (200179			
	August of 2017?	11	Q	
12	MS. POCHOP: 2017. Thank you.	12	Q	incident between Russ and Sala that resulted in a union
13	MS. POCHOP: 2017. Thank you. BY MS. POCHOP:	12 13	Q	incident between Russ and Sala that resulted in a union grievance about an allegation that he had sprayed water
13 14	MS. POCHOP: 2017. Thank you. BY MS. POCHOP: Q Were you the HR director who was involved in the	12 13 14	Q	incident between Russ and Sala that resulted in a union grievance about an allegation that he had sprayed water on her and had made physical contact with her in a way
13 14 15	MS. POCHOP: 2017. Thank you. BY MS. POCHOP: Q Were you the HR director who was involved in the investigation of Sala's complaint that she had been	12 13 14 15	Q	incident between Russ and Sala that resulted in a union grievance about an allegation that he had sprayed water on her and had made physical contact with her in a way that she thought was harassing.
13 14 15 16	MS. POCHOP: 2017. Thank you. BY MS. POCHOP: Q Were you the HR director who was involved in the investigation of Sala's complaint that she had been intentionally hit with a ham?	12 13 14 15 16		incident between Russ and Sala that resulted in a union grievance about an allegation that he had sprayed water on her and had made physical contact with her in a way that she thought was harassing. Does that square with your recollection?
13 14 15 16 17	MS. POCHOP: 2017. Thank you. BY MS. POCHOP: Q Were you the HR director who was involved in the investigation of Sala's complaint that she had been intentionally hit with a ham? A I reviewed the investigation.	12 13 14 15 16 17		incident between Russ and Sala that resulted in a union grievance about an allegation that he had sprayed water on her and had made physical contact with her in a way that she thought was harassing. Does that square with your recollection? Yes. I think it was defined as a sexual assault in
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13 14 15 16 17 18 19	MS. POCHOP: 2017. Thank you. BY MS. POCHOP: Q Were you the HR director who was involved in the investigation of Sala's complaint that she had been intentionally hit with a ham? A I reviewed the investigation. Q And what was the outcome of that investigation? A My understanding, there was a piece of equipment down	12 13 14 15 16 17 18 19	Α	incident between Russ and Sala that resulted in a union grievance about an allegation that he had sprayed water on her and had made physical contact with her in a way that she thought was harassing. Does that square with your recollection? Yes. I think it was defined as a sexual assault in some of the correspondence. Okay. And is it true that Russ represented to
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and the second

Page 105	Page
1 mean to touch her?	that day, I don't know particularly that session, but
	we send a dozen or so folks to that training a year.
2 A I recall a witness saying that she did not observe Russ 3 touching Sala. The circumstance as I recall, the line	3 Q What was the purpose of sending Russ to that training
120 242 254 254	4 in 2017?
	5 A To reinforce courtesy and respect in the workplace.
	6 Q I want to have you take a look at what this is
A-2-2-2-2-2-2-2-2-2-2-2-2-2-2-2-2-2-2-2	7 Exhibit 53.
	8 In February of 2015, according to
couple of individuals. There was a yell. He walkedby, talked to didn't say excuse me to Sala. Sala	9 MS. CALEM: 2017.
	10 BY MS. POCHOP:
	11 Q February 15, 2017, there was is this considered a
have been fine, but she didn't like Russ coming up	12 grievance or a report to Smithfield about Sala being
12 behind her.	13 treated unfairly in the workplace?
13 Q Is the bottom line that you believed that Russ's	
version of what had happened over Sala's version that	
he had offensively touched her in the workplace?	15 (Examines document.) 16 This is a note from Tom Anderson.
16 A No. There's also the statements from the witnesses	
17 were also important.	
18 Q I mean, Russ you had personal experience with Russ	18 that note have come from?
not being materially accurate during the course of a	19 A This one came from Tom Anderson.
20 discrimination investigation less basically a year	20 Q How would Smithfield Foods have or maintain this
21 before that.	21 record?
22 A Uh-huh.	22 A How would Smithfield retain the record?
23 Q You'd had to personally counsel him about that, right?	23 Q Uh-huh.
24 A Correct. Also, in the incident where Russ tapped Sala 25 on the shoulder, Russ was completely honest about what	24 A In Tom and Sala's file.
25 Oli tile Silotituei, ixtiss was completely nonest about what	
	25 Q When Smithfield Foods obtained Thomas's statement in
Page 106	
Page 106	B Page
Page 106 1 happened, acknowledged that it was a dumb thing that he	Page 1 Exhibit 53, did it initiate any sort of investigation
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Smi	thfield Foods, Inc.	June 1, 2010
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1	racist.	1 BY MS. POCHOP:
	Can we just call that the December Loger incident	2 Q So what is it about calling a supervisor a racist that
2		3 violates Smithfield policy?
3	for MS. CALEM: I'm going to object on grounds of lack	4 A This writeup is more than just calling a supervisor
4		5 racist. It was around the failure to cooperate. There
5	of foundation. You seem to be reading from something	6 was an effort made to say, Sala, you're on open work,
6	that we don't have, and I don't want to assume that	7 these are the job assignments that were available,
7	those are the facts.	8 which job assignment would you like. Failed to select
8	BY MS. POCHOP:	9 a job assignment. It delayed the startup of the line.
9	Q Do you have any recollection of that incident	10 It continued to escalate to the point where, in the
10	independently?	11 context of it, Sala called the supervisor racist. It
10,000	A Yes.	12 did not need to escalate to that point. It was a
12	Q So tell me what you can recall about it.	13 pretty simple task, a daily task of just starting work
13	A At the start of the shift, Sala had concerns about work	I to the second
14	assignments. Sala was on open work. Gary indicated	1 20 1 11 1 1 1 1
1.5	there's a couple of jobs that are open, you can choose	15 Q And it was Gary who reported did he tell you about 16 what Sala had said about that she felt like he treated
16	from these jobs. Sala continued to say she wanted to	7.0
17	use her seniority, and Gary continued to respond, well,	her like a slave and that he was a racist? 18 A I'm not sure if it was Gary or if it was Dave.
1.8	here's the two jobs that are available.	19 Q Was there an interview with Sala about why she would
19	This carried on for a period of time. The line	
20	was not started up. Delayed the startup on the line.	
21	Tom Anderson came over. There were some comments made.	
22	Sala eventually picked an assignment and the line	22 was a racist? 23 A We interviewed Sala.
23	started up:	60 4 1 1 1 0
24		24 Q What was the outcome of that interview? 25 A Sala was issued a three-day reprimand.
25	result of her referring to Gary Loger as a racist?	25 A Sala was issued a timee-day reprimitation.
7	2 440	Page 112
	Page 110	
1	A A three-day suspension? Yes.	1 Q And according to Exhibit 31, she was also, on the same
2	Q Was that approved by you? Was that disciplinary action	2 date, issued a seven-day suspension?
3	approved by you?	3 A Correct. My recollection is that she was absent the
4		day prior and that would have she had more than
5	Q Did you direct that that's the disciplinary action that	5 enough occurrences to trigger a seven-day suspension
6	she should receive?	6 for attendance.
7	A I believe I signed it.	7 The way we manage our attendance policy and
8	11	8 this is something that I implemented is if an
9		9 individual has either a three- or a seven-day
10	and the second s	10 suspension for attendance, we work to minimize the
	A Can I have a copy of the discipline the writeup?	11 negative impact on the employee, the workplace, and the
12		12 employee's family by giving the employee the remainder
13		of that day off, and that could be either the start of
14	EVA	14 the shift or the end of the shift, count that as day
	A Thank you.	one. One additional day to help address whatever
16	personal designation of the second se	16 concerns are that are keeping them from work, whether
17		17 it's buying an alarm clock or whatever, and the
18	the state of the s	18 remaining five days are working days. So the
19		employee's scheduled to work the remaining five days of
20		20 the suspension, they're paid for it, but it is
23	The second secon	21 reflected on their file as a seven-day suspension.
22		22 Q And she was apparently sent home the day that she got
2:		23 this disciplinary action to start serving out her
2		24 suspension, right?
14	was BJ Motley.	
2		25 A Yes. And the two suspensions were concurrent, not

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1 consecutive.	1	A To minimize the effect of a seven-day or three-day
2 Q Well, the seven-day suspension says her return to work	2	suspension for attendance on the employee, their
date is 12-10, and the three-day suspension says her	3	family, and the workplace, we've set up where, for
4 return to work date is 12-12?	4	attendance disciplines, the first day is the day of the
5 A Correct.	5	suspension. The second day is the day after the
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	6	suspension, a second workday, and that day is without
7	7	pay. And the third and subsequent days, they're
7 A No.	8	scheduled to work and paid to work. It's called a
8 Q They weren't?	1	
9 A They were concurrent. See, with the seven-day this	9	working suspension. Q So for the seven-day suspension, she could have worked
was 12-8-16, so that would count as day one. 12-9	27 55	
would count as day two. And on the seven-day, because	11	on the 10th under her working suspension?
it's a working suspension, 12-10 she would return to	1	A Correct.
L3 work.		Q But she really wasn't permitted to return to work on
L4 Q But for one of them she was to return to work on 12-10	14	the 10th because she had the three-day suspension that
and for the other one she was to return to work on	15	said she had to wait until the 12th to return?
12-12. So what day was she supposed to come back to	16	A Correct. And so they and they were both served at
L7 work?	17	the same time. So day one would be the 8th. That
L8 A On the 12th.	18	would be the first day of the three-day and the first
L9 Q And so the three-day suspension was not subsumed into	19	day for the seven-day.
the seven-day suspension; they ran so that the	20	Q You do have the authority to have those run
seven-day suspension would end on 12-12, and the	21	concurrently to reduce the impact on the employee?
three-day suspension would end on 12-12, according to	22	A That's what we did.
23 <u>Exhibit 24</u> and 3.1?	23	Q If I could have you look at what's been marked as
24 A We'd have to check to see what day of the week 12-10	24	Exhibit 52, there is a disciplinary action that was
is. If 12-10 is a Friday or, sorry, a Saturday,	25	issued to Tom Anderson arising out of his participation
	37.4	
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1 then Sunday would be the 11th, and Monday would be the	1	into the investigation that Sala's complaint about
2 12th, and that would be a three-day	2	Gary Loger
three-working-day suspension.	3	MS. CALEM: Do you have a copy for me?
		MS. POCHOP: Yeah. It's right underneath there.
4 Q Well, why wouldn't you have done that when you issued	4	
5 both of them on the same day?	5	THE WITNESS: Sorry.
6 A The seven-day suspension for attendance, the day of the	6	MS. CALEM: This is 52?
discipline, which would be the 8th, counts as day one.	7	MS. POCHOP: Yes.
8 The 9th would be day two. And on the third day they're	8	MS. CALEM: This says it's 53.
9 eligible to return to work. It's a working suspension.	9	MS. POCHOP: I'm looking at 52. This is 52.
So for the three-day, work rule 15, abusive	10	MS. CALEM: It was premarked. Okay.
language/combative behavior, the 8th would be day one,	11	BY MS. POCHOP:
the 9th would be day two, the 10th, if it was a	12	Q Was Tom Anderson disciplined as a result of his
Saturday, would be day would not count, 11th would	13	participation in the investigation of Sala's complaint
not count. So it would it's still three working	14	about Gary Loger using harassing her and using
days. So this should be three working days from the	15	profane language to her?
L6 8th.	16	A Can you repeat the question, please.
L7 Q And so tell me why the seven-day suspension would end	17	Q Was Tom Anderson disciplined and, more specifically,
L8 on 12-10 then.	18	was the discipline that is reflected in Exhibit 52
L9 A The return-to-work date seven-day suspension, the	19	issued to Tom Anderson by you, first of all? Let's get
	20	that far.
2.0 first day the day of the suspension is counted as	1-0	A Yes.
first day the day of the suspension is counted as	21	A LES.
day one, so that would be the 8th. The second day	A02000	
day one, so that would be the 8th. The second day would be the 9th. That's a day off without pay to help	22	Q Okay. And was Exhibit 52 the disciplinary action
day one, so that would be the 8th. The second day would be the 9th. That's a day off without pay to help the employee get their affairs in order. The third day	22 23	Q Okay. And was Exhibit 52 the disciplinary action issued to Tom Anderson because of his participation in
day one, so that would be the 8th. The second day would be the 9th. That's a day off without pay to help	22	Q Okay. And was Exhibit 52 the disciplinary action

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1		Juan?	1	Q And that's a decision that you come to individually,
2	Α	No.	2	right?
3	Q	Was there some other incident that Tom was involved in	3	MS. CALEM: Object to the form.
	Ų	where he used profane language toward a coworker?	4	
4	4	LOW DOWN OF THE PARTY OF THE PA		
5	A	Tom was disciplined for using profane and abusive	5	
6		language, if I recall, towards Tom Zuraff, who was the	6	EVALUATE AND DESCRIPTION OF A PROPERTY OF A PROPERTY OF THE PR
7		union steward in department 19.	7	worse than a supervisor who fails to inform an HR
8	Q	What did he what was he disciplined for saying to	8	manager of a material fact about a discrimination
9		Tom Zuraff?	9	complaint more serious?
10	A	Something to the effect, walked up behind Tom on the	10	MS. CALEM: Object to the form. Lacks foundation,
11		line, tapped him on the shoulder, "do your fucking	11	
12		job," and some additional comments threatening Tom	12	THE WITNESS: Can you repeat the question, please.
13		Zuraff.	13	BY MS. POCHOP:
14	Q	And he got you determined that he should get a	14	Q Which is more serious, a supervisor that provides
15		three-day suspension for that?	15	inaccurate and omits material facts when asking HR
16	A	Yes.	16	about how what to do about employees in terms of
17	Q	And then he also got he also violated another rule	17	discipline or an employee who taps another coworker on
18		here, which is making false statements during an	18	the shoulder and says "do your fucking job"?
19		incident investigation.	19	MS. CALEM: Same objection.
20	A	Correct.	20	THE WITNESS: I think it would go back to intent.
21	Q	And he got a three-day suspension from you in that	21	If the intent was to mislead or hide facts, that would
22		regard?	22	be more serious than if the intent was otherwise.
	A	Correct		BY MS. POCHOP:
24		And then when I look over here, he had a total of		Q Exhibit 41
25	V	three days suspended.	25	MS. POCHOP: And, I'm sorry, I accidentally marked
		times days suspended.		
		Page 118	*	Page 120
. 87			-3.6=	
1	A	They were run concurrent as well.	1	
2	Q	So you can decide to have the suspensions run	2	probably want to clean that up later.
3		concurrently?	3	POLICE STATE OF THE PROPERTY O
4	A	Yes.	4	The state of the s
5	Q	And the false statements made during an incident	5	you'd pull out Exhibit 32 at the same time.
6		investigation, tell me what the false statements were	6	SoExhibit 32 shows that, after she received the
7		that he was disciplined for.	7	discipline on December 8th, Sala filed a grievance, a
8	A	Certainly. Tom denied swearing, cursing at Tom Zuraff.	8	formal grievance, to inform the company that she felt
9		The determination was that that was not true.	9	that she was not being treated fairly. That's what
10	Q	And if an employee at Smithfield makes statements that	10	Exhibit 32 is, right?
11		are not true during an incident investigation, is a	11	A Yes.
12		three-day suspension standard for that violation of	12	Q And the supervisor's answer at the first step was dated
13		work rule No. 29?	13	the next day. And who is the supervisor who denied the
	Α	It depends on the circumstances. If the person	14	
15		knowingly makes false statements, that would certainly		A I'm guessing that is Dave Hillberg's signature, but I'm
16		carry more weight than if it was just a mistake.	16	
17	Q	Is Tom Anderson a person of color?	17	*
18		Yes.	18	
19		Did Russ did you find that Russ Hultman made false	19	SARRAMAN TO CONTROL OF A LOCK TO THE SARRAM AND A SARRAM AND A CONTROL OF A CONTROL
	Y	statements during an incident investigation when he	20	
20		platements during an incident investigation when he	l	
20		migrangeanted to Carrie Masta what Coatt Canalaghad		
21		misrepresented to Carrie Moate what Scott Genzler had	21	
21 22		actually said and done on the line toward Yvette, Sala,	22	Q January of 2018?
21 22 23		actually said and done on the line toward Yvette, Sala, and Lorena?	22 23	Q January of 2018? A Oh, sorry. (Examines document.)
21 22	Α	actually said and done on the line toward Yvette, Sala,	22	Q January of 2018? A Oh, sorry. (Examines document.) THE WITNESS: What's the number of this one, the

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1	MS. CALEM: 31. 31 is the grievance.	1 years, and the union agreed.
2	THE WITNESS: No, the actual grievance number.	2 Q Do you have any other grievance files that you have
3	104?	3 possession of from Smithfield regarding Sala's
4	MS. CALEM: 104/16.	4 grievances that weren't produced in discovery?
5	THE WITNESS: Yeah, through the grievance process,	5 MS. CALEM: I'm going to object. There was no
6	this was reduced from a three-day suspension to a	6 document production request.
7	written reprimand.	7 MS. POCHOP: Well, there's a Rule 26 disclosure
	Y MS. POCHOP:	8 requirement, right?
	When was it reduced to a written reprimand?	9 MS. CALEM: Of course. And we produced what we
	I believe it was January of this year.	10 had available.
		11 BY MS. POCHOP:
11 Q	I believe so.	12 Q When did you get the grievance I mean, because the
		union is a party to all of these grievances or the
13 Q		14 company is a policy [sic] to all of these grievances.
	Correct.	
	And why would it take two years to reduce the	15 You have always had possession of those documents,
16	disciplinary action pursuant to the grievance?	16 correct?
17 A	The state of the s	17 A The grievance files?
18	extended period of time.	18 Q Yeah.
19 Q		19 A Yes. Yeah, the grievance files are maintained
20	that this grievance is being held in abeyance.	separately from the employee's personnel file.
21 A		21 Q Is it unusual for a grievance to I'm misspeaking
22 Q	Are they here? Do you have them?	when I say two years. I guess it's just over a year,
	I believe yes.	because the discipline was in 2016, and it was reduced
24 Q	Were they produced in discovery?	24 in 2018, in January, right?
25	MS. CALEM: They were not part of the personnel	25. A I believe that's correct, yes.
	Page 122	Page 12
1	file, and no discovery request was ever made.	1 Q Do you know, was there any effort to make sure that
	Y MS. POCHOP:	2 Sala knew that her grievance had been successfully
3 Q	When would Sala have been informed that, in January of	3 addressed
4	2018, her grievance about her 2016 suspension was	4 A I don't know
5	reduced to a written warning?	5 Q by Smithfield managers to the employee who was
6 A	It's the union's responsibility to communicate with	6 complaining about it?
7	individuals the status of their grievance.	7 A No. Again, the responsibility it's the union's
8 Q	Did you direct any supervisor to make sure that Sala	8 responsibility to communicate that with the grievant.
9	knew her grievance had been successful two years later?	9 Q I'd ask you to take a look at Exhibit 37. This is a
10 A	No. Again, it's the union's responsibility to	document written on a John Morrell employee warning,
11	communicate the status of the grievance with their	11 right? Sala was issued an employee warning notice in
12	membership.	12 Exhibit 37, right?
	Was she paid for her days that she had been suspended	13 A Yes.
14	in January of 2018?	14 Q And who was the supervisor who issued it?
15 A		15 A What it says is Sala's name, her clock number, ID,
16	take place without pay. That was the agreement with	date, 3-27-18, going home until investigation is
17	the union.	17 complete. There's a phone number. Will call to set up
	Why did Smithfield ultimately agree to reduce the	a meeting, signed by Carrie Moate, and there's also a
19	suspension?	19 note that the phone number was disconnected.
	To resolve the grievance.	20 Q So Carrie is the person who drafted that employee
		21 warning notice and delivered it to Sala?
	We often look at creative ways to resolve grievances.	22 A Yes.
	This was a step that we took to compromise with the	23 Q Why is she getting a warning notice for being sent home
23	The Parish Control of the Parish Control of the Con	24 during an investigation?
24		
24 25	union. I believe that the behavior was inappropriate. It needed to remain on her record for a period of two	25 A On occasion we will HR will send employees home to

Scott Reed June 1, 2018

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1117	Page 125		Page 127
	allow the investigation HR time to complete the	1	1 A Yes.
		2	Q Was Russ's reassignment in relation to the difficulty
	Control of the Contro	3	
			4 A Partially, yes.
(5)		5	
		6	
		7	
		8	
	TO 18	9	202
	The control of the co	10	
		11	
		12	
	AND THE COURT OF T	13	
		14	
		1000	5 BY MS. POCHOP:
		16	
		_	The common parameters of the common of the c
		18	
		19	
		-	
		(0.00)	
			5 A Inappropriate conduct in a department can certainly
	expectations, treat people with respect. If	43	Thappropriate conduct in a department can certainly
	Page 126	2 30	Page 128
	disrespected, tell person to stop, notify supervisor.	1	have an impact on productivity, safety, quality.
		2	2 Q I think that we both agree with that. I want to know,
Q		3	3 is it your job duty to know if that is the reason that
		4	4 you were having a productivity problem in
		5	5 department 19. I'm asking about your job
	V 4370 - 1,000	6	50F 97 PM
		7	
	Ē	8	
	Yes. Scott Genzler's dated 2-22-16 and this one's	9	es ^D orinano, encomparante en maria en escribir de la comparante de la co
		10	
		11	0-50 NO. 100 N
	color?	12	2 Q So tell me about the part of the reason where Russ was
		13	
		14	en entereste de la sante seu est la section de la constant de la c
	and Sala have gotten very different discipline for this	15	
		16	MT9 2000
		17	7 Q That's the "sent him to Kansas City" thing?
	three-day suspension.	18	8 A Yep. And respectful communications. We
Q		19	to the control of the
V		20	
V	for making racist comments and saying offensive and	120	
		21	1 MS. CALEM: Object to the form.
	for making racist comments and saying offensive and threatening things in the workplace than Tom Anderson received for a violation of the same rule number.		27 (1997) - 1996 (1997) - 1996 (1997) - 1996 (1997) - 1996 (1997) - 1997
	threatening things in the workplace than Tom Anderson	21	THE WITNESS: I'm not sure how I'm not sure on
8	threatening things in the workplace than Tom Anderson received for a violation of the same rule number.	21 22	THE WITNESS: I'm not sure how I'm not sure on that. I think it had a positive impact on Russ. As
	Q A Q A Q A Q A Q A Q A Q A Q A Q A Q A	allow the investigation HR time to complete the investigation, interview witnesses, determine the facts. Q Did the other employee receive a warning notice that she was to go home during the investigation? A Referring to Abegail David? Q Yes. A I don't recall. Q Is Abegail David a person of color? A I don't believe so. Q Exhibit 38 is a disciplinary action dated 3-29-18 signed by you and Carrie. A That's signed by me. 1 handwrote Carrie's name in the Others at Meeting section. Q Oh, okay. A That's not her signature. Q And Sala received what kind of discipline at your direction on 3-18 [sic]? A So the date's 3-29-18, work rule 15, use of profane/abusive language, combative behavior. I believe this is the same warning that Abegail David received on the same — I can't remember if it's the same, date or not. Argument with coworker, name calling, inappropriate sexual comments. Reviewed our expectations, treat people with respect. If Page 126- disrespected, tell person to stop, notify supervisor. Keep work and personal life separate. Q I want to ask you if you'd compare that with Exhibit 42. That's the 2-22-16 disciplinary action that we've discussed with Scott Genzler where he just got a written warning for virtually the same description of behavior, although his was racial instead of A Yes. Scott Genzler's dated 2-22-16 and this one's 3-29-18. It's two years later, yes. Q And for the record, Scott Genzler is not a person of color? A Correct. Q And you would not disagree with me that Scott Genzler and Sala have gotten very different discipline for this violation of the same policy numbers? A Yes. One is a written warning and the other is a	allow the investigation HR time to complete the investigation, interview witnesses, determine the facts. Q Did the other employee receive a warning notice that she was to go home during the investigation? A Referring to Abegail David? Q Yes. A I don't recall. Q Is Abegail David a person of color? A I don't believe so. Q IsAbegail David a person of color? A I don't believe so. Q IsAbegail David a person of color? A I don't believe so. Q IsAbegail David a person of color? A I don't believe so. Q IsAbegail David a person of color? A I don't believe so. Q IsAbegail David a person of color? A I don't believe so. Q IsAbegail David a person of color? A I don't believe so. Q IsAbegail David a person of color? A That's signed by me. I handwrote Carrie's name in the Others at Meeting section. Q Oh, okay. A That's not her signature. Q And Sala received what kind of discipline at your direction on 3-18 [sic]? A So the date's 3-29-18, work rule 15, use of profane/abusive language, combative behavior. I believe this is the same warning that Abegail David received on the same — I can't remember if it's the same date or not. Argument with coworker, name calling, inappropriate sexual comments. Reviewed our expectations, treat people with respect. If Page 126 disrespected, tell person to stop, notify supervisor. Keep work and personal life separate. Q I want to ask you if you'd compare that with Isahibit 42. That's the 2-22-16 disciplinary action that we've discussed with Scott Genzler where he just got a written warning for virtually the same description of behavior, although his was racial instead of — A Yes. Scott Genzler's dated 2-22-16 and this one's 3-29-18. It's two years later, yes. Q And for the record, Scott Genzler is not a person of color? A Correct. Q And you would not disagree with me that Scott Genzler and Sala have gotten very different discipline for this violation of the same policy numbers? A Yes. One is a written warning and the other is a

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1		development of our leadership is to have them learn	1	0	Was Russ upset when he was moved?
2		different areas as well, cross-train and address			I don't know for sure.
3		change.	3		Who was the supervisor that was brought in to be
4		MS. POCHOP:	4	~	stronger and have more skills?
Street		My question is, specifically what about Russ's conflict	5	۸	Robert Foos, I believe.
5			6		And what skills and strengths did Robert have that Russ
6		with the plaintiffs was the reason that he was	7	Ų	did not?
7		transferred to a different department?			There was a couple supervisors brought in. Ernest
8	A	That was that was part of the reason, yes.	8	A	
9	Q	And why was that part what were the facts underlying	9		Terry was brought in for a while, Robert Foos.  Robert Foos has worked in a number of areas. He's
10		that part of the reason that he was transferred?	10		
11		The thought process was to give Russ the opportunity to	11	-	been identified as one of our stronger supervisors on
12		work in a different department where and to bring a	12	-	the packaged meats side.
13		supervisor in that was stronger than Russ, more	200000000000000000000000000000000000000		Is he good at complying with company policy?
14		skilled, and have that supervisor work in the	2007/00/2		Yes.
15		department.	-50000	Q	Is he good at making other employees that he supervises
16	Q	And who made that determination that you needed a	16		comply with company policy?
17		stronger supervisor?	ı		Yes.
18	Α	That determination was made by the manager of the	18	Q	Has department 19, under his management, become more
19		packaged meats department.	19		compliant with company policies?
20	Q	Who?	20	Α	To my knowledge, yes.
21	Α	Mike Corbett.	21	Q	Do you know if Russ did Russ express any concern or
22	Q	Did you recommend that change?	22		being upset to you about being transferred out of his
23	A	He discussed it with me, yes.	23		department 19 management position?
24	Q	Did you recommend it?	24	A	I don't believe Russ was extremely excited about it.
		I supported that change too, yes.	25	Q	Did he express that to you?
2 3 4 5 6 7 8 9	Q A Q	I can't recall whose idea it was.  Was it yours?  It had been a topic that we had talked about.  Who is we?  Mike and I. We go through a we go through a couple of times a year, we review with each of the department heads succession planning, pending retirements, skill development of salaried supervisors, and talk about what's the next step, what's the right	2 3 4 5 6 7 8 9	Q A	I don't know.
11		fit, which are the right supervisors to work together,	11	Α	I don't know that. I know that Russ was talking to the
12		those types of discussions.	12		employee in the department, correct.
13	Q	Was Russ informed that his management of Sala and	13	Q	And if Russ was talking to that employee while that
14	•	Yvette was a reason that he was being moved to a	14	*	employee was supposed to be working on the line, would
15		different department?	15		that be a violation of Smithfield policy?
16	Α	I wasn't involved directly in those conversations with	16	A	No.
17		Russ.	17		What would Russ have to do with coming into the
18	Q	What's your knowledge about it?	18		department to talk to a department 19 employee, do you
19		That's possibly a topic that came up.	19		know?
20	Q	Who was the person who was involved in telling him he	20	Α	No.
21	×	was going to be moved to a different department?	21		Did he have any responsibilities for department 19
22	Δ	Mike Corbett.	22	~	performance at that point in January of 2018?
23	Q	And did Mike know that he was being moved, in part,	23	Δ	I don't know.
24	Ų	because of his management of the plaintiffs?	24		Did anybody at HR ever investigate if there was a
		occarse of the management of the planting;	2.4	V	
	٨	Yes.	25		legitimate work-related purpose for Russ to be in

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1		department 19?	1	В	Y MS. POCHOP:
	Α	We asked Russ why he was down there.	2		Was Russ instructed to conduct his socializing outside
		And what did Russ say?	3		of department 19 after this January 2018 complaint?
		To talk to is it Abegail?	4	Α	Russ did come talk to me or we talked, and I said,
		10 M 102 1010 121 121	5		if you don't have business there, then you shouldn't
		I don't recall what they were talking about.	6		you should limit your time there. He was not
	0	Did anybody investigate Sala's complaint that Russ was	7		restricted from being there.
8	×	coming into the department to try to intimidate her?	8	0	Because you do have the authority to tell employees to
	A		9	_	stay away from each other, don't you?
			10	Α	Yes.
11	`	have been important to know the reason why Russ was in	11		And, in fact, like when there was a complaint about
12		the department?	12	_	Ozie taking a photograph in the workplace, your
	Α	My understanding of the events is Russ was not	13		instruction was that Ozie and Sala should not be
14	•	prohibited from being in the department. He came down	14		working around each other. Is that true?
15		to talk to Abegail. We asked him if there was any	15		MS. CALEM: Object to the form. If you have
16		reason that he would feel that his presence there would	16		something that you're reading from, I think he should
L7 L7		intimidate or was there any intention of intimidating	17		be able to see it.
18		Sala. He said no.	18		MS. POCHOP: I can read from my own notes, Andrea.
L9		Managers have the ability to walk around areas	19		I don't have to show him my notes, and you know that.
20		I'm not sure if the product from that department was	20		MS. CALEM: Your notes? No, of course not.
21		going to his department. I don't know.		-R	Y MS. POCHOP:
	Q	Well, you did have notice that Sala had objections to			So tell me.
23	Ų	having Russ come back in the department because she	252772	V. S.	Let me walk through my recollection
24		complained about that, didn't she?			Yeah.
25	٨	Yes. Sala also we had individuals also bring			of the Ozie incident.
-	Λ	1 cs. Sala also we had individuals also offing	2.5	71	of the Ozic metaont.
Aust	j j	Page 134	Harris a		Page 13
1		forward comments that Sala would be in the lunchroom	1		Sala filed a complaint that Ozie had taken out his
			2		iPad or iPhone and taken a picture of her with the
2		talking about how she got Russ booted out of the	2000		intent of her being killed
3		department and folks and there's statements that she	3	0	
4		was talking to other people about how that was	4		That's a really serious complaint, isn't it?
5	_	something that she had accomplished.		A	Yes. We interviewed other individuals to see if they
6	Ų	Well, is it untrue? I thought you just told me that	6		had seen that. We talked to Ozie. There's allegations
7		one of the reasons that he was transferred is because	7		that Sala was also taking her phone out to take
8		your company manager thought that they needed a	8		pictures of other people, Russ. Ozie stated that he
9		different manager because of Sala's complaints.	9		took his phone out or iPad, to check the time. He
	A	That's one of the reasons, yes.	10		did not have any and that he did not take any
	Q	So was Sala disciplined for telling employees that her	11		photos.
L2		complaints were a reason that Russ had been removed?	12		I can't remember the rest around what the
		No.	13		statements were.
	Q	And, in fact, they were true, right?	14		The conclusion was we reviewed the expectation
	A	Correct.	15		with Ozie and with Sala that phones are not to be used
	-	So what difference does that make?	16		on the production floor, not to take pictures. I
	A	10 Name	17		believe it was respectful communications was again
18		the context was I'm not sure without reviewing the	18		reinforced. Neither Ozie, nor Sala, were disciplined.
L9		notes what the context was of the comments.	1.9		It was just a matter of reinforcing what the
	Q	Control of the Contro	20		expectations were.
21		anyway, right?	21		The report that Ozie was taking photos and Sala
22		MS. CALEM: Object to the form.	22		taking photos at that time were not substantiated.
23		THE WITNESS: I'd have to go back to the	23	Q	(#)
24		statements and look at them and what the context was.	24		production floor?
70.70					Company-issued phones, yes. Individuals can use their

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1		phone if it's authorized in advance. For example, if	1	language/culture that meant gossip.
2		there's a safety concern and permission is received to	2	Some ongoing discussions. I think at the end of
3		take a photo and share that photo with the safety	3	the meeting Yvette apologized to Rufus, Rufus
4		committee or their manager, that is permitted.	4	apologized to Yvette for their misunderstanding, and I
5	Q	Did Ozie have permission to have his phone or iPad in	5	don't recall any discipline, no.
6	_	the production area?	6	BY MS. POCHOP:
7	Α	The policy, as it's written, says that recording	7	Q Did you tell Yvette that she should talk in English to
8		devices, cell phones are not allowed on the production	8	not offend others?
9		floor. The practice has been that employees are	9	A I believe that was made statement was made by the
10		allowed to carry their cell phones with them as long as	10	union rep.
11		they're not using them while they're operating	11	Q Oh, okay. Rick, right?
12		equipment, for example, a mule, taking pictures,	12	A Uh-huh.
13		et cetera.	13	Q Rick
14	Q	So that's a written policy that is applied differently	14	A Stokke.
15		than you would see in the handbook?	15	Q Stokke?
16	Α	Correct.	16	A Yeah.
17	Q	And Ozie did not have permission to be using his phone	17	Q And were you present when Rick made that suggestion?
18		on the production line as revealed by your	18	A Yes.
19		investigation?	19	Q Did you add anything to his suggestion?
20	Α	No. And his statement was that he pulled it out to	20	A I don't recall. Certainly when communicating around
21		check the time.	21	work, it's important that people communicate in a
22	Q	There's a time clock in the department, right?	22	language that the other person can understand, whether
		There could be.	23	it's Spanish, Swahili. We have interpreters that help,
24	Q	Is it very believable that an employee would need to	24	but if there's a common language, that helps, whatever
25	lv.:	check the time on their phone versus the company time	25	language that is.
1		clock in the department?	1	Q Well, Rufus and Yvette weren't talking to each other
2	Α	It's a question. It's a good question.	2	about anything at work or job duties. Your
3		MS. CALEM: And I'd like the record to reflect	3	investigation showed that, didn't it?
4		that the plaintiffs are laughing.	4	A I think there was a misunderstanding where Rufus heard
5	В	Y MS. POCHOP:	5	his name in a conversation between Sala and Yvette.
6	Q	It's a funny question because there's the time clock	6	Q So they weren't even talking to Rufus?
7		is a pretty big deal in the department floor, right?	7	
8	Α	I also see people looking at their watch when there's a	8	Q I mean, there's no question that they weren't trying to
9		clock in the room just as a habit.	9	talk to him in Swahili, to Rufus, about a job duty
10	Q	Sure. So then I wanted to ask you then, Yvette	10	A No.
11		has you're aware that in 2018 Yvette filed an	11	Q during this incident?
12		incident intake form alleging that an employee named	12	So Rufus overheard this and apparently expressed
13		Rufus had made a comment to her about being a CCP and	13	that he was offended by it?
14		that she was upset about that incident.	14	A Yeah, there was some miscommunication.
15		Were you the HR manager or director who was	15	Q And then he
16		involved in the investigation into Yvette's complaint?	16	A Misunderstanding.
17	A	Yes, I participated in that investigation.	17	Q And he responded by calling a name?
18	Q	And was there any disciplinary action issued to Rufus	18	A CCP.
19		for making a comment or calling somebody a gossip?	19	Q Yeah.
20		MS. CALEM: Object to the form.	20	A And then it got construed to be something else. It
21		THE WITNESS: How I recall that incident, there	21	just got blown out blown way out of proportion.
22		was some discussion going on, the word CCP came up.	22	Q And when you were present and Rick told Yvette she
23		Sala offered a clarification that it was a sexually	23	should speak in English to not offend others, did you
24		transmitted disease. That's what she thought it meant.	24	correct Rick to say
25		During the investigation, Rufus stated that in his	25	A I don't recall
			1	

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1	Q	If you did	1	Q	Who did you interview to address is the
2	Α	correcting him. I don't recall correcting him, no.	2		investigation over?
3	Q		3	A	
4		who speaks in that language offend anybody in the	4	Q	And what was the outcome of the investigation?
5		workplace?	5	A	My recollection of the events, Candace, who is the
6		MS. CALEM: Object to the form. Calls for	6		secretary-treasurer of the
7		speculation.	7	Q	I'm going to stop you. I want to know the outcome of
8		THE WITNESS: I don't know. I don't know why Rick	8		the investigation that you conducted.
9		would have said that.	9	A	Certainly. The outcome was that we met with the union,
10	В	Y MS. POCHOP:	10		asked for clarification from the union as to where this
11	Q	I wanted to ask you if you saw Exhibit 47 when it was	11		document came from. Candace, the secretary-treasurer,
12		posted on a bulletin board in the workplace?	12		Rick Stokke, the business agent, neither one of them
13	Α	I did not see that article posted on a bulletin board,	13		knew where this came from, stated they did not know.
14		no.	14		Asked them if they knew what it was about. They said
15	Q	Would anybody have authority to post any articles on	15		they did not know. Said that we should investigate it.
16		the workplace bulletin boards without company	16		We went to the very first name, Terry Kapsch, I
17		permission?	17		believe, the very first name. Terry is the senior
18	A	There's a number of different boards in the plant. For	18	Post I	individual in the department. We brought Terry down.
19		example, there's one board that the company cannot post	19		We interviewed Terry. Dave Hillberg or, sorry, it
20		on, even though it's on the company property. That's	20	- 53	wasn't Dave Hillberg. Strike that. It was I think
21		the union's board. There's boards designated for the	21		it was Garney Henle or Steve Fergen was present.
22		union. There's boards designated by safety. There's	22		We collected information from Terry. We pulled
23		department boards.	23		that together, asked the there was some corrective
24		There's a number of main boards that are	24		actions that came out.
25		monitored, and documents on those boards have to be	25	Q	What was the corrective action?
		Page 142			Page 144
			100		the state of the s
1		authorized by members of management, the official		A	There was some concern about break times, accuracy of
2		boards.	2		punches, Lisa being loud, buckets being taken off the
3		Departments have unofficial boards. There's	3		job, the buckets that individuals would sit on on the
5		community boards where individuals can post community information. Could be buy and sell or services.	4	0	job, and some other items I can't recall. Were the buckets an accommodation for employees who
		I was not aware that that was posted on any board	5	Ų	needed them?
7		in the plant until it was brought up in deposition.	7	٨	There was some discussion that the buckets helped make
8	0	Is that a newspaper article that the company would want	8	А	the job go easier. Out of that particular item, I
9	Ų	to have posted in the workplace for any business	9		instructed the ergo committee to do a review. If
10		reason?	10		there's a need for sit-down or sit-stand chairs in
11	Δ	For any business reason, no.	11		the area to make the job easier or to accommodate, then
12	Q	For any other reason?	12		we should get designated chairs installed, and I
13		I see no reason why I would authorize that being posted	13		authorized the department to go ahead and invest in
14	***	on a board, no.	14		proper stools if needed, sit-stand stools.
15	Q		15	0	
16	~	previously been marked as Exhibit 114 , and are you aware	16	~	interview that you conducted with Terry?
17		of the complaint that was submitted on April 16 of 2018	17	Α	
18		by a number of employees in department 19 about Lisa	18	100000	to coach Lisa on respectful communications, tone of
19		Christion being disrespectful and harassing employees	19		voice, the ergo chairs that we talked about. There was
20		on the job?	20		concerns about walking times. One of the corrective
21	A		21		actions was to make sure that folks had adequate
22	Q		22		walking time.
23		investigating this complaint?	23	Q	29/8/2009 Challet IS 2017 2018 2019
24	A	I did I was involved in the investigation of this	24	A	
25		complaint, yes.	25		was Garney.

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1 Q Anybody else have corrective action?	1 according to your handbook, correct?
2 A There was a couple other I can't remember the	2 A The allegations are yes, they're very broad.
3 specifics. I'd have to pull the notes on the	3 Q And isn't it HR's job duties at Smithfield to find out
4 specifics, but that's the general.	4 what the specifics for any employee who makes a
5 Q Did Lisa receive an actual disciplinary warning or	5 complaint and speaks up about harassment are?
6 coaching?	6 MS. CALEM: Object to the form.
7 A Coaching.	7 THE WITNESS: Yes. In this case, again, I believe
8 Q And so she didn't actually get a disciplinary action	8 that the follow-up was appropriate.
9 for any of the behavior that you found to be in	9 BY MS. POCHOP:
10 violation of company policy?	10 Q Smithfield policy states that every complaint of
11 A We asked for the specifics. We reviewed that. I asked	11 harassment will be investigated?
the union who they'd like to interview next, and they	12 A Correct.
13 said they didn't need to interview anybody else.	13 Q That's what you tell your employees your job duties are
14 Q So Smithfield decided not to interview any of the other	going to be if they speak up, right?
15 employees who signed a statement that said that Lisa	15 A Correct.
16 was harassing them at work?	16 Q And that did not happen. Only one of the employees who
17 MS. CALEM: Object to the form.	17 made this complaint was interviewed?
18 THE WITNESS: Correct. We looked through it and	18 MS. CALEM: Object to the form.
19 the corrective actions I'd have to get the entire	19 THE WITNESS: This complaint was investigated, and
20 list of corrective actions. One of the	20 one individual was interviewed.
21 responsibilities Garney had was to follow up, see if	21 BY MS. POCHOP:
there were any other concerns that came forward.	22 Q We talked yesterday before the deposition that Sala and
23 BY MS. POCHOP:	23 Yvette both had their pay reduced because they were
24 Q So does the union get to dictate how Smithfield Foods	24 attending the depositions in this case, specifically
25 HR managers investigate allegations of harassment?	25 because they were attending their own depositions that
25 FIX managers investigate anegations of manassment?	25 because they were attenuing their own depositions that
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1 A No. No. They brought forward this complaint. They	1 Smithfield Foods was taking.
2 didn't have any information as to what the complaint	Do you recall our conversation off the record
3 was or was not about.	3 about that?
4 Q Well, as an HR manager at Smithfield Foods, isn't it	4 A You mentioned there was some concerns with their time
5 the HR manager's job to find out why an employee is	5 cards, yes.
6 complaining of harassment in the workplace, especially	6 Q And tell me what you represented to me was going to
7 if the union says they don't really know?	7 happen with regard to their claim that their pay was
8 A Yeah, I believe the corrective actions that were put	8 reduced for attending depositions in their
9 together were appropriate in this case.	9 discrimination/retaliation case.
10 Q All of those corrective actions came out of	10 A Right. We also discussed this last week, that their
11 interviewing just one of the people who signed that	absences are excused to attend these depositions.
12 agreement or signed that complaint of harassment,	12 Yesterday we talked about is it an option for them to
13 right?	13 use their I think the term was personal days, or
14 A And feedback from the department manager, and there was	1'll use the term paid time off because it's more broad
15 some follow-ups that he had as well.	and more accurately reflects the time that they have
16 Q So you don't really know why, for example, Yvette and	16 to attend this deposition.
17 Sala filed a complaint about harassment by Lisa?	17 I committed that, yes, if they wanted to use paid
18 A Yvette and Sala were not interviewed, no.	18 time off, they could complete the request, paid time
19 Q And who made the determination that interviewing all of	19 off request, and there's a number of buckets that they
20 the employees who had signed a complaint because	20 can use to select which paid time bucket, whether it's
21 that's what it qualifies as, it's a complaint of	21 longevity days or vacation days.
22 harassment, isn't it?	22 And last night, as committed, I followed up with
23 A Yes.	23 the time and attendance clerk for department 19, the
24 Q and disrespectful treatment by Lisa, which would	24 head of our payroll department, the department head,
25 also prompt an investigation under Smithfield policies	and said you can expect that if Sala and Yvette want to
A Company of the Comp	

/1111	hfield Foods, Inc.		Page 15
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1	submit paid time off requests, they'll need to complete	1	BY MS. POCHOP:
2	the time off request form, and they can submit it up	2	Q Well, would there be any circumstance where a notice of
3	until next week, and that we can they're authorized	3	deposition from Smithfield to its own employees would
4	to make that pay retroactive for these past two weeks.	4	not be approved time off?
5	Q Who was it in Smithfield Foods who would have	5	A I don't know. I don't know.
6	determined that they should have their pay docked	6	Q From an HR perspective, if I mean, you have a lot of
7	because they were attending the deposition that	7	experience in HR, it sounds like, from your résumé.
8	Smithfield Foods had noticed for them?	8	And in that context can you understand why it would
9	MS. CALEM: Object to the form of the question.	9	have a chilling effect when people who go to your HR
10	It lacks foundation.	10	department to speak up about race discrimination end up
	BY MS. POCHOP:	11	with a response that is disciplinary action?
11	Q Let me ask it I'll withdraw that.	12	MS. CALEM: Object to the form.
12	The depositions that they didn't get paid for	13	THE WITNESS: If you're referencing the discipline
13	attending were their own depositions, right?	14	for Yvette and Sala for being off the job, that was not
14		15	for reporting a concern. That was for not notifying
15	A Yes.	16	the supervisor that they'd be off the job.
16	Q And those were depositions that Smithfield Foods	17	BY MS. POCHOP:
17	scheduled to take for them. You know that, right?	18	Q And, again, what policy number is that?
18	A Yes.	19	A I'd have to review it in the handbook, being off the
19	Q Because you also like, you bought a videographer and	20	job or away from the assigned work area without
20	you got an interpreter to come for those depositions so	21	
21	that it could happen on those dates, right?		Q They can go where they want in the plant in the common
22	A Yes.	0-0-0-0	areas on their breaks, can't they?
23	Q And Smithfield Foods was very aware that it was going	23	We will be a second way
24	to be taking its employees' depositions on those	24	
25	specific dates?	25	spent an hour on this earlier.
			Page 1
	Page 150		Page 1
1		1	
0.0	A Yes.	1 2	THE WITNESS: Yes. BY MS. POCHOP:
2	A Yes. Q And they didn't really have an option of not going to		THE WITNESS: Yes. BY MS. POCHOP: Q Just want to make sure I'm understanding how your
3	A Yes. Q And they didn't really have an option of not going to the depositions because they were noticed by Smithfield	2	THE WITNESS: Yes. BY MS. POCHOP: Q Just want to make sure I'm understanding how your
3	A Yes. Q And they didn't really have an option of not going to the depositions because they were noticed by Smithfield Foods, a legal procedure?	3	THE WITNESS: Yes. BY MS. POCHOP: Q Just want to make sure I'm understanding how your policies are actually carried out at Smithfield,
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